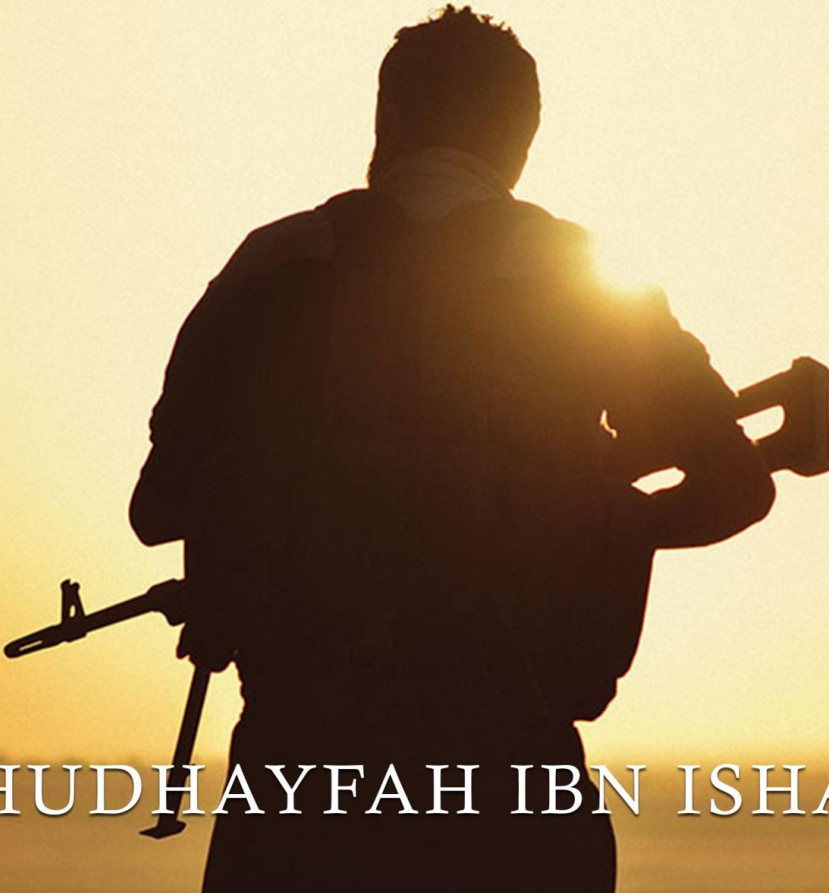


مسيرة نشر

AL-JIHAD

IN THE LIGHT OF
AS-SIYASATUSH-SHAR'IYYAH



HUDHAYFAH IBN ISHAQ





Al-Jihād
In The Light of
**As-Siyāsatush-
Shar’iyyah**

﴿وَقُلْ رَبِّ أَدْخِلْنِي مُدْخَلَ صِدْقٍ وَأَخْرِجْنِي
مُخْرَجَ صِدْقٍ وَأَجْعَلْ لِي مِنْ لَدُنْكَ سُلْطَانًا
نَّصِيرًا﴾

***And say: “My Lord! Let my entry be good,
and [likewise] my exit be good. And grant
me from You a helping authority”.***

Sūrah al-Isrā’ (17):80

May Allāh bestow His infinite Mercy upon those who have presented their wealth and their lives in order to fulfil the pledge that exists between Him and His believing slaves. Indeed, ***“From among them are those who have fulfilled their covenant, while some of them are still waiting, but they have never changed in the least.”*** [Sūrah al-Aḥzāb (33):23]

May Allāh تعالى accept it from them all, Āmīn

﴿وَمَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّى يُبَيِّنَ
لَهُمْ مَا يَتَّقُونَ إِنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ﴾ (١١٥)

***And Allāh will never lead a people astray
after He has guided them until He makes
clear to them what they should avoid.
Indeed, Allāh is the All-Knower of
everything.***

Sūrah at-Tawbah (9):115

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Author's Introduction

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allāh, the Beneficent, the Merciful

Indeed all praise is due to Allāh Whom we praise, and from Whom we seek help and guidance. We seek refuge in Allāh from the evil of ourselves and the evil of our actions. Whomsoever Allāh guides none can misguide; whomsoever He sends astray and leaves to be misguided none can guide. And I bear witness that there is none worthy of worship but Allāh; He is alone without any partners. And I bear witness that Muḥammad ﷺ is His Servant and Messenger.

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تُقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا
وَأَنْتُمْ مُسْلِمُونَ﴾

***O you who believe! Have Taqwā of Allāh as is His due,
and die not except as Muslims.***¹

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ
وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً
وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ
رَقِيبًا﴾

***O mankind! Have Taqwā of your Lord, who created you
from a single person, and created therefrom his mate,
and from both of them scattered [throughout the earth]
many men and women; Have Taqwā of Allāh, through***

¹ Sūrah Āli 'Imrān (3):102

whom you demand your mutual [rights], and [revere] the wombs: for Allāh ever watches over you. ²

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ﴿٧٠﴾ يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا ﴿٧١﴾﴾

O you who believe! Have Taqwā of Allāh, and [always] speak direct [aimed at the truth]. He will make your deeds sound and forgive you your sins; He who obeys Allāh and His Messenger he has indeed achieved a great victory. ³

To proceed: Indeed the most truthful of speech is the Book of Allāh ﷻ, and the best of guidance is the guidance of Muḥammad ﷺ. The most evil of affairs are the newly invented matters, and every invented matter is an innovation [Bid'ah], and every innovation is misguidance, and all misguidance will end in the Fire.

From the lands of honour and glory I write these humble words to you, O *Mujāhid* in the cause of Allāh ﷻ, after witnessing first-hand what can only be described best by referring to Allāh's statement:

﴿أَوَلَمْآ أَصَبْتُكُمْ مُّصِيبَةً قَدْ أَصَبْتُمْ مِثْلَيْهَا قُلْتُمْ أَنَّى هَذَا قُلْ هُوَ مِنْ عِنْدِ أَنفُسِكُمْ إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿١٦٥﴾﴾

And when a single disaster strikes you, although you struck [your enemies] with one twice as great, you say:

² Sūrah an-Nisā' (4):1

³ Sūrah al-Aḥzāb (33):70&71

‘From where does this come?’ Say, ‘It is from yourselves’. And Allāh has power over all things. ⁴

Thus sincerity necessitates reflecting upon ourselves, our mode of conduct, and the manner in which we wage our Jihād against the forces of *Kufr* [disbelief] and *Ṭughyān*.⁵ Throughout the opening verses quoted in this introduction, Allāh ﷻ commands His believing slaves, as well as the rest of mankind, to observe *Taqwā* of their Lord. He ﷻ also addresses the *Mujāhid* in particular, ordering him to:

﴿وَأَعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾

⁴ *Sūrah Ālī ‘Imrān* (3):165

⁵ The Arabic term *Ṭughyān* [الطغیان] is the verbal noun of the word *Ṭaghā* [طغا], which literally means to exceed the bounds. For example, Allāh ﷻ says: **“Verily, when the water *Ṭaghā* [i.e. rose beyond its limits], We carried you in the ship.”** [*Sūrah al-Ḥāqqah* (69):11] Thus, according to the language whenever something or someone exceeds its or his bounds it has committed an act of *Ṭughyān*, and it is for this reason that when Fir‘awn exceeded his bounds, Allāh ﷻ said to Mūsā عَلَيْهِ السَّلَام, **“Go to Fir‘awn; for indeed he has transgressed all bounds [i.e. *Ṭaghā*].”** [*Sūrah an-Nāzi‘āt* (79):17] Fir‘awn was therefore a *Ṭāghūt*, as he exceeded the bounds that have been set for the son of Ādam.

The *Salaf* رَحِمَهُمُ اللَّهُ have presented a number of definitions for the term *Ṭāghūt* [الطاغوت], which is a derivative of *Ṭughyān*, with ‘Umar bn. al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ saying the *Ṭāghūt* is *Shayṭān*, while Mujāhid رَضِيَ اللَّهُ عَنْهُ said it is *Shayṭān in the image of a human being whom they refer to for judgement, and who is in charge of their affairs*. Others have stated that *Ṭāghūt* refers to anything that is worshiped besides Allāh ﷻ. However, a comprehensive definition of this term was provided by *Imām* Ibn Qayyim رَحِمَهُمُ اللَّهُ who said:

“The *Ṭāghūt* is everything in which man exceeds his limits, whether it is being worshiped, obeyed or followed. Therefore, the [word] *Ṭāghūt* includes all those to whom the people refer for arbitration instead of Allāh or His Prophet ﷺ, or whom they worship besides Allāh, or whom they blindly follow without any guidance from Allāh, or whom they obey in matters of which they have no knowledge of it being obedience to Allāh. These are [examples of] the *Ṭawāghūt* [which is the plural of *Ṭāghūt*] of the world. If you ponder upon the affairs of the people [of this time], you would find that most of them have deserted the worship of Allāh to worship the *Ṭāghūt*; and have left the arbitration of Allāh and His Messenger ﷺ to arbitrate to the *Ṭāghūt*; as well as abandoning obedience to Him and following His Messenger to obeying and following the *Ṭāghūt*.” [*Ilām al-Muwaqqi‘in*, (1/50)]

...know that Allāh is with those who have Taqwā. ⁶

And it is known by necessity that:

﴿إِنْ يَنْصُرْكُمُ اللَّهُ فَلَا غَالِبَ لَكُمْ﴾

If Allāh helps you, none can overcome you. ⁷

Therefore, whenever the Mujāhid suffers calamities or setbacks during the course of waging *Jihād* against the enemies of Islām, he has no recourse other than to reflect upon himself and his actions. He must ask himself, “Is the *Jihād* that I am waging built upon a foundation of *Taqwā* or not”? And, “How does one establish *Jihād* on this noble basis”? The act of having *Taqwā* of Allāh ﷻ can simply be described as, placing between oneself and that which is feared of Allāh’s Anger and Punishment, a protective shield that safeguards the individual against being afflicted therewith. *Imām* Ibn Rajab al-Ḥanbalī رحمه الله stated that such protection:

“Is to obey His commands and abstain from His prohibitions”.⁸

Thus basing one’s *Jihād* on a foundation of *Taqwā* is to ensure that it is waged in accordance with the divine law: the Islamic *Sharī’ah* with which the Prophet Muḥammad ﷺ was sent. Indeed, failure in this regard inevitably results in calamities befalling the *Mujāhidīn* in particular, and the Muslims in general. The *Mujāhid* is therefore required to adhere to the divine guidance irrespective of the situation in which he finds himself, and the circumstances with which he is confronted; after all, the Messenger of Allāh ﷺ ordered the Muslim to:

اتق الله حيثما كنت

“Have Taqwā of Allāh wherever you are.” ⁹

⁶ *Sūrah at-Tawbah* (9):123

⁷ *Sūrah Āli ‘Imrān* (3):160

⁸ *Jāmi’ul- ‘Ulūm wa ‘l-Ḥikam*, (p.156)

⁹ *Jāmi’ at-Tirmidhī* (1987)

As the title of this book suggests, the aim of the discussion herein is to guide the *Mujāhidīn* to their religious and worldly welfare [*Maṣāliḥ*], through the rulings of the Islamic *Sharī'ah*, as they wage *Jihād* against our contemporary foe. It is merely an attempt to advise and remind all of those who have presented their wealth and their lives, in order to defend Allāh's Rights and the rights of His slaves, of the importance of adhering to the divine guidance during the course of pursuing this blessed mission. For indeed, nothing has befallen us of calamities and setbacks in the various battlefields, except that the cause thereof can be traced back to our deviance from the Prophet's guidance. He ﷺ clearly stated that:

قد تركتكم على البيضاء، ليلها كنهارها لا يزيغ عنها بعدي إلا هالك

*"I have left you on a clear path, its night is like its day,
[and] none deviates from it after me except he who is
destroyed."*¹⁰

In this work, I have discussed some general rules that are not restricted to a particular place, time, or situation. It also contains some principles that are applicable to more specific situations and when confronted with certain circumstances. The central aim is to highlight not only the importance of adhering to the Islamic *Sharī'ah* whilst performing *Jihād*, but to also make it clear that there is no situation in which the divine law does not provide guidance for the *Mujāhid*.

Finally, due to a wave of people from the English speaking world embracing Islām, and subsequently embarking upon the journey of *Hijrah* and *Jihād*, I felt it necessary to write this book in the language that they can understand. For regrettably, sound Islamic literature that addresses such topics adequately is scant in the English language, causing many sincere individuals to be deprived of access to one of the most important provisions of the *Mujāhid*: knowledge of the guiding principles and rulings of *Jihād* and how they are to be applied in the contemporary conflict.

¹⁰ *Sunan Ibn Mājah* (45)

Indeed, success is granted by none except Allāh, therefore I implore Him to bless this humble effort and allow it to benefit His believing slaves and facilitate victory for the soldiers of *Tawḥīd* against the forces of *Kufr*. I declare that any good contained within these pages is from none but *Ar-Raḥmān*, while any mistakes, sins, or transgressions are but from myself and Shayṭān. Hence, I seek His forgiveness for my shortcomings and beseech Him to guide us all to His Pleasure and to protect us all against His Anger and His Wrath.

... *And all praise belongs to Allāh* ﷻ

Ḥudhayfah bn. Ishāq

19 Jamādil-Ākhir, 1440H

[Corresponding to 24 February, 2019CE]

﴿وَلَوْ أَتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ﴾

***And if the truth had been in accordance with their desires,
the heavens and the earth, and whosoever is therein, would
indeed have been corrupted!***

Sūrah al-Mu'minūn (23):71

A Brief Clarification

﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَىٰ

لِّلْمُسْلِمِينَ﴾

And We have revealed the Book [the Qur'ān] to you as an explanation of everything, a guidance, a mercy, and good news for the believers.

Sūrah an-Naḥl (16):89

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allāh, the Beneficent, the Merciful

Jihād in the cause of Allāh ﷻ is a religious obligation binding upon the Muslim *Ummah*, a fact that cannot be denied as the evidence supporting this reality is irrefutable. For instance, Allāh ﷻ says:

﴿كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهُ لَكُمْ وَعَسَى أَنْ تَكْرَهُوا
شَيْئًا وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَكُمْ
وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾

Fighting has been prescribed for you though you dislike it, and it may be that you dislike a thing that is good for you, and that you like a thing that is bad for you, Allāh knows and you do not know.¹¹

The great scholar of *Tafsīr* Ibn Kathīr رَحِمَهُ اللَّهُ commented on this noble verse stating, “Allāh made *Jihād* obligatory upon the Muslims in order to repel the enemy’s evil from the territories of Islām.”¹² *Imām* al-Qurtubī رَحِمَهُ اللَّهُ expressed a similar opinion, explaining that the word *Kutiba* [كتب] in this verse means *to make something mandatory* [فرض].¹³ Therefore there is no difference between Allāh’s statement, “***Fasting has been prescribed [Kutiba] for you***”,¹⁴ and His saying, “***Fighting has been prescribed [Kutiba] for you***”. That is to say, just as fasting during the Holy Month of Ramaḍān is compulsory upon the *Ummah*, likewise fighting in the cause of Allāh ﷻ is obligatory upon the members thereof.¹⁵

¹¹ *Sūrah al-Baqarah* (2):216

¹² *Tafsīr Ibn Kathīr* (1/220)

¹³ *Al-Jāmi’ li’Aḥkām’il-Qur’ān* (3/37)

¹⁴ *Sūrah al-Baqarah* (2):183

¹⁵ The general ruling regarding *Jihād* is that it is *Farḍ ‘alā Kifāyah*, i.e. a communal obligation, thus a sufficient number of the Muslims must perform this duty in order to realise

Despite it being a religious duty, *Jihād* in the cause of Allāh ﷻ is essentially an act of war. It is the means through which He ﷻ repels and subjugates those who reject and oppose His Will. It is a military quest, the aim of which is to establish Allāh's governance on earth so that no law is referred to other than His divine legislation. This is the essence of war, as was observed by Carl Von Clausewitz who said, "War is not merely a political act, but also a real political instrument, a continuation of political commerce, a carrying out of the same by other means".¹⁶ However, due the West's belief that religion should be apolitical, it is next to impossible for it to understand and accept people whose religious beliefs not only influence their individual conduct, but also form the basis of their politics.

Consequently, the contemporary *Mujāhid* operates in a political environment that seeks to deny the legitimacy of his cause. He is thus not only labelled a *terrorist*, but his beliefs and values are also deemed to be an expression of *extremism*. Although the *international community* has failed to provide clear and objective definitions for such terms, many Muslims have become apologetic about their Islamic identity, out of fear of being labelled a *terrorist* who holds *extreme* views, and shy away from some of the most fundamental principles of Islām.

This has resulted in attempts to distort the correct meaning of the term *Jihād*, as well as to restrict the influence of the Islamic Sharī'ah in political, economic, and social affairs. It is therefore necessary to begin this work by first defining the terms *Jihād* and *as-Siyāsatush- Shar'iyah*, in order to facilitate a correct understanding and appreciation of the discussion at hand, by the Grace of Allāh ﷻ.

the aims and objectives thereof. Should the obligation be fulfilled by this section of the community, then those who remain behind are absolved from this duty and are free from blame. However, there are situations in which *Jihād* becomes *Farḍ 'Ayn*, i.e. an individual obligation. Under such circumstances, it is not permissible for those who are able to perform this duty to remain behind as such would constitute a major sin. Ibn 'Atiyyah رحمه الله says, "That which has continued to be agreed upon, is that *Jihād* is *Farḍ Kifāyah* upon the *Ummah* of Muḥammad ﷺ. Thus, if some of the Muslims fulfill this duty the rest (of the Muslims) are absolved, except if the enemy should descend upon the Islamic territory, for at that moment it becomes *Farḍ 'Ayn*." [Al-Jāmi' Li' Ahkām'il-Qur'ān]

¹⁶ Carl von Clausewitz was a Prussian general and military thinker whose work *On War* [Vom Kriege, 1832] is considered one of the most respected classics on military strategy.

Important definitions

As for the term *Jihād*, it has been defined linguistically as an act of going to great lengths and exerting one's strength and ability, verbally or physically, in order to achieve a desired aim. The word is actually derived from the root word *Juhd*, the initial letter of which appears either with a *Dammah* [جَ], which denotes *strength* or *power*, or a *Fathah* [جَ] which indicates *hardship* or *limit*.¹⁷ For example, Allāh ﷻ says:

﴿أَهْزُلَاءِ الَّذِينَ أَقْسَمُوا بِاللَّهِ جَهْدَ أَيْمَنِهِمْ إِنَّهُمْ لَمَعَكُمْ



***Are these those who swore by Allāh their strongest
[Jahda] oaths that they were with you?***¹⁸

However, this term has been defined technically and legally as an act of “exerting [one’s] ability and strength in fighting in the cause of Allāh with [one’s] life, wealth, and tongue, or anything else or going to great lengths in this regard”.¹⁹ This can be understood from the Prophet's statement ﷺ:

جاهدوا المشركين بأموالكم، وأنفسكم، وألسنتكم

***“Wage Jihād against the Mushrikīn [polytheists] with your
wealth; your lives, and your tongues.”***²⁰

It can also be deduced from this *Ḥadīth* that *Jihād* in the cause Allāh ﷻ is a comprehensive concept and thus can be performed in various ways. Hence, Az-Zuhrī رحمه الله stated that “*Jihād* is obligatory upon every person,

¹⁷ *Dammah* and *Fathah* are both short vowels in the Arabic language that appear above a letter influencing the sound thereof, the former of which represents a short /u/ [as in the English word *put*] while the latter represents a short /a/ [like the initial sound in the English word *up*].

¹⁸ *Sūrah al-Mā'idah* (5):53

¹⁹ *Al-Imām al-Kāsānī al-Hanafī, Bidā' i 'uṣ-Ṣanā' i'* (7/97)

²⁰ *Sunan Abī Dāwūd* (2504)

whether he actually joins the fighting or remains behind. Whoever remains behind is required to give support, if support is warranted; to provide aid, if aid is needed; and to march forth if he is commanded to do so. If he is not needed, then he remains behind”.²¹

As for the expression *as-Siyāsatush-Shar'īyyah*, it consists of two words: *Siyāsah* and *Shar'īyyah*. The term *as-Siyāsah* [السياسة] is the verbal noun of *Sāsa* [ساس], which generally means ‘to govern, to rule, to lead, to guide, administer, regulate, direct, conduct, etc.’ The word *ash-Shar'īyyah* [الشرعية], on the other hand, is a derivative of the term *as-Shar'* [الشرع], which is the verbal noun of *Shara'a* [شرع]. This word has a number of meanings in the Arabic language, such as *to start*, or *to point a weapon*. It also means *to prescribe* and denotes the act of *legislating laws*, which is the intended meaning in this work, as Allāh ﷻ says:

﴿أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ﴾

***Or have they partners with Allāh who have legislated
for them a religion for which Allāh has not
granted any permission?***²²

As for the Arabic letter *yā* [ياء] that appears at the end of the word *as-Shar'* [الشرع], in the expression *as-Siyāsatush-Shar'īyyah* [السياسة الشرعية], it is a noun suffix that is used to attribute one noun to another; in Arabic it is referred to as the *yā of attribution* [ياء النسبة]. Therefore, the expression *as-Siyāsatush-Shar'īyyah* essentially refers to the guidance, governance, administration, and regulation the source of which is the divine legislation. It has also been defined as the, “Rulings and measures issued by those in authority that are linked to the welfare/interests [of the Muslims], and for which there is no specific evidence recorded [in the divine texts], yet do not contradict the *Sharī'ah*”.²³

²¹ *Tafsīr Ibn Kathīr* (1/220)

²² *Sūrah ash-Shūrā* (42): 21

²³ *At-Ta'līqāt 'alā As-Siyāsatush-Shar'īyyah* (p.8)

Although the word *Siyāsah* [السياسة] does not appear in the Holy Qur'ān, a derivative thereof was mentioned on the tongue of Allāh's Messenger ﷺ who said:

كانت بنو إسرائيل تسوسهم الأنبياء

“The Prophets used to guide and rule Banū Isrā'īl.”²⁴

And it is known by necessity that the Prophets and Messengers عليهم السلام did not guide or rule the slaves of Allāh ﷻ with anything except the divine revelation. Thus Allāh says:

﴿ إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يَحْكُمُ بِهَا النَّبِيُّونَ
الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَّانِيُّونَ وَالْأَحْبَارُ بِمَا اسْتُحْفِظُوا
مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا النَّاسَ
وَأَخْشَوْنِي وَلَا تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا وَمَنْ لَمْ يَحْكَمْ بِمَا
أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

Indeed, We sent down the Tawrah wherein was guidance and light, with which the Prophets who submitted themselves [to Allāh's will] ruled the Jews. And the Rabbāniyyūn and the Aḥbār [also ruled the Jews with it],²⁵ for to them was entrusted the protection of Allāh's Book and they were witnesses thereto. Therefore fear not men but fear Me and sell not My verses for a miserable price. And whosoever does not judge by what Allāh has revealed, such are the disbelievers.²⁶

²⁴ *Ṣaḥīḥ al-Bukhārī* (3455), *Ṣaḥīḥ Muslim* (1842). The word as it appears in the *Ḥadīth* is *tasūsum* [تسوسهم], which means to rule or guide them.

²⁵ *Imām Ibn Kathīr* رحمه الله states that the word *Rabbāniyyūn* refers to the worshippers who are learned and religious, while the *Aḥbār* are the scholars. [Refer to *Tafsīr Ibn Kathīr* for more details]

²⁶ *Sūrah al-Mā'idah* (5):44

Al-Jihād & as-Siyāsatush-Shar'iyah

Islām is a religion that instructs its adherents in matters of spirituality and ritual practices and seeks to reform the individual's beliefs and character. It sets the standards of morality and determines that which is *Ḥalāl* [lawful] and that which is *Ḥarām* [unlawful]. The Islamic Sharī'ah even provides guidance pertaining to matters of personal hygiene, thus Allāh ﷻ says:

﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تَبْيِينًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَى
لِّلْمُسْلِمِينَ﴾

*And We have revealed the Book [the Qur'ān] to you as
an explanation of everything, a guidance, a mercy, and
good news for the Muslims.* ²⁷

The Islamic Sharī'ah thus provides guidance related to international relations as well as matters of war; hence *Jihād* in the cause of Allāh ﷻ must be governed by the divine legislation that has been revealed to the Prophet Muḥammad ﷺ. Indeed, it must not be forgotten that *Jihād* is but a form of worship and thus not exempt from being governed by the divine Sharī'ah, as the Messenger ﷺ said:

من عمل عملاً ليس عليه أمرنا فهو رد

*“Whoever performs any deed that is not in accordance
with our affair, then it is to be rejected.”* ²⁸

Islām rejects the western religious-secular dichotomy, which serves no purpose other than to domesticate religion. Therefore, turning away from the Book of Allāh ﷻ as it pertains to military matters, while restricting the guidance contained therein to one's religious beliefs and ritual practices, is tantamount to rejecting the prophetic guidance. Hence, Allāh ﷻ said to Banū Isrā'īl:

²⁷ *Sūrah an-Naḥl* (16):89

²⁸ *Ṣaḥīḥ Muslim* (1718)

﴿أَفَتُؤْمِنُونَ بِبَعْضِ الْكِتَابِ وَتَكْفُرُونَ بِبَعْضٍ﴾

Then do you believe in a part of the Book and disbelieve in a part thereof?²⁹

Imām Ibn Kathīr رَحِمَهُ اللَّهُ commented on this verse stating that:

“[This verse] means, ‘Do you ransom him according to the rulings of the *Tawrah*, yet kill him while the law of the *Tawrah* forbids this and [the act of] expelling him from his home? And [the *Tawrah* also commanded that] one should not aid those who associate partners with Allāh, and worship idols besides Him, against him [i.e. your brethren] seeking worldly gain.’ Thus it was regarding their [i.e. the Jews] behaviour towards the Aws and Khazraj [as it has reached me] that this story was revealed. These noble verses [thus] criticized the Jews for implementing the *Tawrah* sometimes and defying it at other times, although they believed in the *Tawrah* and knew what they were doing was wrong. This is why they should not be trusted to preserve or convey the *Tawrah*.”³⁰

This noble verse thus indicates that by adhering to the divine laws that govern war the *Mujāhid* demonstrates his *Īmān* in that which Allāh ﷻ has revealed, while the converse is also true: one exposes his disbelief in what the Messenger ﷺ was sent with by turning away therefrom. The *Mujāhid* should therefore not only seek knowledge of the divine rulings and principles that govern *Jihād*, but must also fear his Lord by conducting his military affairs according to that which he has acquired of Islamic knowledge. This is the only way that his *Jihād* against the enemies of *Tawḥīd* [Islamic monotheism] can be successful, and it is the only means through which he can attain the Pleasure of Allāh ﷻ and escape His Wrath.

²⁹ *Sūrah al-Baqarah* (2):85

³⁰ *Tafsīr Ibn Kathīr* (1/105)

The Believer's attitude

Moreover, the believer is warned against preceding Allāh ﷻ and His Messenger ﷺ in any matter that involves passing judgements and making decisions, as is evident from His statement:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْدِمُوا بَيْنَ يَدَيِ اللَّهِ وَرَسُولِهِ
وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ﴾

O you who believe! Do not precede Allāh and His Messenger, and have Taqwā of Allāh. Verily, Allāh is Hearing, Knowing.³¹

There is an excellent example for those who hope for the Pleasure of Allāh in what occurred on the day of Badr. After the Messenger of Allāh ﷺ had selected a location to position his troops, the noble *Ṣahābī* [companion] al-Ḥubāb bn. al-Mundhir bn. al-Jamūh رَضِيَ اللَّهُ عَنْهُ inquired, “Is this a spot that Allāh has revealed to you, thus we can neither advance further nor withdraw from it, or rather is it [an issue of] opinion, military tactics and stratagem?” In response, The Messenger of Allāh ﷺ said:

بل هو الرأي، والحرب، والمكيدة

*“Nay, it is [an issue of] opinion, military tactics and stratagem.”*³²

Upon hearing this al-Ḥubāb رَضِيَ اللَّهُ عَنْهُ preceded to share his military expertise with the Messenger ﷺ, advising him to occupy the springs of Badr, thereby securing drinking water for the Muslim army and depriving the enemy thereof. Although his advice was logical and tactically correct, he did not present it until he verified whether the Prophet's decision was a result of revelation that he had received from Allāh ﷻ, or a matter of opinion, military tactics and stratagem. Thus was the attitude of the believer in this regard beautifully exemplified on the great day of Badr. The *Ṣahābah* [companions]

³¹ *Sūrah al-Ḥujurāt* (49):1

³² *Al-Bidāyah wa'n-Nihāyah* (3/36)

ﷺ understood the difference between matters for which the *Sharī'ah* provides clear rulings, and those issues that fall into the realm of opinion, military tactics and stratagem.

The *Mujāhid* is therefore required to take heed of such guidance and to imitate those who preceded him in *Īmān*. For indeed, it is not befitting for the believer to precede Allāh ﷻ and His Messenger ﷺ in any matter, thereby ignoring the divine guidance. After all, his sword has been unsheathed for no purpose other than to defend that which was revealed to the Messenger of Allāh ﷺ, as was stated by *Shaykul-Islām* Ibn Taymiyyah رحمه الله:

“The swords of the Muslims aid this *Shar'* [law], which is the Book and the *Sunnah*, as was stated by Jābir bn. 'Abdullāh: ‘The Messenger of Allāh commanded us to hit with this, meaning the sword, whoever goes out of this, meaning the *Muṣḥaf* [i.e. the Qur'ān in book form].”³³

³³ *Majmū' al-Fatāwā* (35/365)

Important Guidelines for
The
Mujāhid

The Connection between
Al-Ikhlāṣ & the Aims of Jihād

﴿إِنَّا أَنْزَلْنَاهُ إِلَيْكَ بِالْحَقِّ فَاَعْبُدِ اللَّهَ
مُخْلِصًا لَهُ الدِّينَ ۚ أَلَا لِلَّهِ الدِّينُ الْخَالِصُ﴾

***Verily, We have sent down the Book to you in truth. So,
worship Allāh by doing religious deeds sincerely for
Him only. Surely, the religion is only for Allāh.***

Sūrah az-Zumar (39): 2&3

The purpose for which man has been created is but to worship and serve Allāh ﷻ Alone, without associating any partners with Him.³⁴ Indeed, this is His Right over the creation as there is no creator besides Him, nor does any of the creation share any of His Beautiful Names or Majestic Attributes. Thus He ﷻ says:

﴿رَبِّ السَّمَوَاتِ وَالْأَرْضِ وَمَا بَيْنَهُمَا فَاعْبُدْهُ وَاصْطَبِرْ
لِعِبَادَتِهِ هَلْ تَعْلَمُ لَهُ سَمِيًّا﴾

Lord of the heavens and the earth, and all that is between them; so worship Him and abide patiently in His worship, do you know of any who is similar to Him?³⁵

Hence, the first condition that must be fulfilled for the acceptance of any act of worship, is that it must be performed with *Ikhlāṣ*.³⁶ That is to say, Allāh does not accept any deed in which others are associated with Him ﷻ, irrespective of the greatness of the act in question. Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said:

قال الله تبارك وتعالى: أنا أغنى الشركاء عن الشرك، من عمل عملاً أشرك فيه معي غيري تركته وشركه

“Allāh ﷻ says: I am the Most Self-Sufficient and have no need of any [act of] Shirk. Whoever performs an act in

³⁴ In reference to the noble verse in *Sūrah adh-Dhāriyāt* (51):56, wherein Allāh says: ***And I did not create the jinn and mankind except to worship Me.***

³⁵ *Sūrah Maryam* (19):65

³⁶ The Arabic word *Ikhlāṣ* [الإخلاص] is a derivative of the word *Khalaṣa* [خلص], which literally means to be pure, untainted, unpolluted, and uncorrupted, etc. As an Islamic concept it refers to the purity of one's intentions in relation to religious beliefs and practices, performing acts of worship solely for the Sake of Allāh thereby purifying one's speech and actions from all forms of *Shirk*. Allāh تعالى says [which means]: ***“Verily, We have sent down the Book to you in truth. So, worship Allāh by doing religious deeds sincerely [مخلصاً] for Him only. Surely, the religion is only [خالص] for Allāh.”*** [*Sūrah az-Zumar* (39): 2&3]

which he associates anyone else with Me, I shall abandon him and his [act] of Shirk.”³⁷

In another *Hadīth*, the Messenger of Allāh ﷺ said:

إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى. فمن كانت هجرته إلى الله ورسوله، فهجرته إلى الله ورسوله. ومن من كانت هجرته لدنيا يصيبها، أو امرأة ينكحها، فهجرته إلى ما هاجر إليه

*“Actions are but by intentions, and one will only acquire that which he intends. So, whoever’s Hijrah is for Allāh and His Messenger, then his Hijrah is for Allāh and His Messenger. And whoever’s Hijrah is for the acquisition of the worldly life, or in order to marry a woman, then his Hijrah is for whatever he made Hijrah to.”*³⁸

Therefore, the Muslim is required constantly monitor his intentions, purifying them before, during, and after performing any act of worship. This entails cleansing one’s heart from seeking anything other than the Face of Allāh ﷻ and His Pleasure whenever carrying out any act of obedience. Indeed, one should not perform such deeds in order to acquire anything of the worldly pleasures and delights, lest his act of worship should be rejected by the Most High and become a source of punishment for him.

Jihād & a good Niyyah [intention]

Jihād in the cause of Allāh ﷻ, being an act of worship, is not exempt from this principle. Hence, the *Mujāhid* is required to purify his intentions before, during, and after waging *Jihād* against the enemies of Islām. Abū Umāmah al-Bāhilī رَضِيَ اللهُ عَنْهُ narrated that a man came to the Prophet ﷺ and said, “What do you think about a man who fights seeking [a worldly] reward and fame,

³⁷ *Ṣaḥīḥ Muslim* (2985)

³⁸ *Ṣaḥīḥ al-Bukhārī* (6689), *Ṣaḥīḥ Muslim* (1907)

what will he gain?" The Messenger of Allāh ﷺ said, "He will not gain anything." He [the man] repeated it [i.e. his question] three times, [each time] the Messenger of Allāh ﷺ would say to him, "He will not gain anything." Then he ﷺ said:

إِنَّ اللَّهَ لَا يَقْبَلُ مِنَ الْعَمَلِ إِلَّا مَا كَانَ لَهُ خَالِصًا، وَابْتُغِيَ بِهِ
وَجْهَهُ

"Verily, Allāh does not accept any deed, except that which is purely for Him and through which His Face is sought."

39

Abū Mūsā رَضِيَ اللَّهُ عَنْهُ also narrated that a man came to the Prophet ﷺ and said "A man fights for booty, another fights in order to be mentioned, while another fights to show off; so which of them is in the cause of Allāh?" He ﷺ said:

مَنْ قَاتَلَ لَتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللَّهِ

"Whoever fights so that the Word of Allāh is the highest, then he is in the cause of Allāh." ⁴⁰

Commenting on this *Ḥadīth*, Imām Muḥammad bn. Ismā'īl aṣ-Ṣan'ānī رَضِيَ اللَّهُ عَنْهُ explained that it serves as:

"Evidence [that] the reward for fighting in the cause of Allāh is [only] written down for he who fights so that the Word of Allāh is the highest. And it is understood [from it] that whoever does not possess this characteristic, then he is not in the cause of Allāh. And this is understood from the condition [mentioned]." ⁴¹

Therefore, despite its virtuous status, if *Jihād* is not waged purely for the Sake of Allāh ﷻ Alone it will be rejected and it will become a source of misery for the person performing it, instead of a means of attaining a high status with Him ﷻ. For indeed, from among the first people to be judged on

³⁹ *Sunan an-Nasā'ī* (3140)

⁴⁰ *Ṣaḥīḥ al-Bukhārī* (2810)

⁴¹ *Subulus-Salām* (4/60)

the Day of Reckoning and thrown into the Fire, is a man who fought and was killed, claiming to have done so for the Sake of Allāh ﷻ Alone only to be told that he has lied.⁴²

So the purification of one's *Niyyah*, which is in essence the meaning of *Ikhlaṣ*, is an essential prerequisite that the Muslim must satisfy as he or she embarks upon the path of *Jihād*. This is an action that takes place in the heart, as opposed to the external limbs, therefore the truthfulness of one's claim to be waging *Jihād* solely for the Sake of Allāh ﷻ is only known to Him and the concerned individual [to some extent]. Nevertheless, there are some apparent signs that indicate whether one is sincere in his performance of this noble act of worship, by purifying his *Niyyāt* [intentions], or not. From among the clearest of such signs is that one's speech and actions reflect the purpose for which one strives. That is to say, sincerely striving to accomplish the aims and objectives of *Jihād* is in itself an indication that one is performing this noble deed for no purpose other than to attain the Pleasure of Allāh ﷻ. The Messenger of Allāh ﷺ summarised the aims and objectives of *Jihād* in his statement:

من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله

*“Whoever fights so that the Word of Allāh is the highest,
then he is in the cause of Allāh.”*⁴³

Shaykul-Islām Ibn Taymiyyah رَحِمَهُ اللهُ explained that “*Kalimatullāh* [i.e. the Word of Allāh] is a collective noun for His Words which are contained in His Book. Thus Allāh ﷻ says: ***Indeed We have sent Our Messengers with the clear proofs and have revealed to them the Scriptures and the balance that mankind may keep up justice.***⁴⁴ Therefore, the purpose for sending the

⁴² This is a reference to a *Ḥadīth* in which it is mentioned that three people will be brought forward on the Day of Judgement in order to have their cases decided upon. From among them is a man who will claim to have fought in the cause of Allāh, Who will then say to him, “***You have lied, you fought in order to be called a ‘brave warrior’ and it was said [about you].***” The order will be given and he will then be dragged on his face and thrown into the Fire. [Refer to *Ṣaḥīḥ Muslim* (1905) and *Sunan an-Nasā’ī* (3137) for the full text of the *Ḥadīth*]

⁴³ *Ṣaḥīḥ al-Bukhārī* (2810)

⁴⁴ *Sūrah al-Ḥadīd* (57):25

Messengers and revealing the Books was so that mankind may establish justice, regarding Allāh's Rights and the rights of mankind".⁴⁵ Hence, the *Mujāhid* who wages *Jihād* with a good *Niyyah* strives in order to preserve the Rights of the Creator, as well as the rights of His slaves. He sacrifices his wealth and his life in order to maintain justice, through the establishment of Allāh's *Sharī'ah* on earth and by striving to destroy the tyrannical regimes, institutions, and laws that serve to violate His Rights and oppress mankind. *Shaykul-Islām* Ibn Taymiyyah رَحِمَهُ اللهُ, after explaining the purpose behind sending the Messengers and revealing the Books, highlights the purpose for which Allāh ﷻ has ordained *Jihād*, stating:

“Then He [تعالى] says: ***And We sent down iron wherein there is mighty power, as well as many benefits for mankind, that Allāh may test those who it is that will help Allāh and His Messengers in the unseen.***⁴⁶ So whoever deviates from the Book will be straightened out with the iron.”⁴⁷

It is important to note that there is nothing in the *Shar'* that indicates that *Jihād* is an objective in and of itself. Rather, upon pondering over the Holy Qur'ān and reflecting upon the *Aḥādīth* one will discover that they are replete with texts clearly stating the reasons behind the legislation of *Jihād*. For instance, Allāh ﷻ says:

﴿وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ فَإِنْ
أَنْتَهُوا فَإِنَّ اللَّهَ بِمَا يَعْمَلُونَ بَصِيرٌ﴾⁴⁸

And fight them until there is no more Fitnah and the religion is all for Allāh [Alone]. But if they cease, then certainly, Allāh is All-Seer of what they do.⁴⁸

In another verse He ﷻ says:

⁴⁵ *Majmū' al-Fatāwā* (28/263&264)

⁴⁶ *Sūrah al-Hadīd* (57):25

⁴⁷ *Majmū' al-Fatāwā* (28/264)

⁴⁸ *Sūrah al-Anfāl* (8):39

﴿وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ
الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ
الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَّنَا مِن لَّدُنكَ وَلِيًّا وَاجْعَل لَّنَا مِن
لَّدُنكَ نَصِيرًا﴾

*And what is the matter with you that you fight not in the
Cause of Allāh and for those weak, ill-treated, and
oppressed among men, women, and children, whose cry
is: 'Our Lord! Rescue us from this town whose people
are oppressors; and raise for us from You one who will
protect, and raise for us from You one who will help'.⁴⁹*

These two noble verses clearly indicate that *Jihād* is to be waged in pursuit of objectives that have been specified by Allāh ﷻ. While commenting on the last verse, *Imām al-Qurṭubī* رحمه الله said:

“Allāh made *Jihād* compulsory in order to elevate His Word, make victorious His Religion, and to liberate the weak believers from among His slaves, even if that involves the loss of lives. To free the [Muslim] prisoners is obligatory upon the Muslim community, either by fighting or by [paying the] ransom.”⁵⁰

The statements of Allāh's Messenger ﷺ also specify the aims and objectives of *Jihād*, leaving no room for any confusion in this regard. For example, he ﷺ says:

بعثت بالسيف بين يدي الساعة حتى يعبد الله وحده لا شريك
له

⁴⁹ *Sūrah an-Nisā'* (4):75

⁵⁰ *Al-Jāmi'u li'Aḥkāmil-Qur'ān* (5/245)

“I was sent with the sword just before the Hour, until Allāh Alone is worshipped without any partner.”⁵¹

The Messenger of Allāh ﷺ thus left no ambiguity in this *Hadīth*, clearly stating that the sword has been drawn in order to eradicate *Shirk*. In another *Hadīth*, he ﷺ said:

أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله

“I was commanded to fight the people until they say there is none worthy of worship except Allāh.”⁵²

Therefore, the aims and objectives of *Jihād* have been clearly defined and, as Ibn Taymiyyah has indicated, can be expressed as, *the preservation of the Rights of the Creator, as well as the rights of His slaves*. These rights are collectively referred to as the *Maqāṣidush-Sharī'ah*,⁵³ and they are protected through the implementation of the divine *Sharī'ah*, which in turn is defended with the swords of the believers. *Shaykhul-Islām* stated that, “It has been recorded from Jābir bn ‘Abdullāh [that] he said, ‘The Messenger of Allāh ﷺ ordered us to hit with this [i.e. the sword] whoever deviates from this [i.e. the *Muṣḥaf*].’”⁵⁴ A good *Niyyah* in relation to *Jihād* thus involves seeking Allāh’s Pleasure through the act of striving against those who are intent on violating the *Maqāṣidush-Sharī'ah*. This *Niyyah* was mentioned by the noble Prophet ﷺ, who said:

لا هجرة بعد الفتح، ولكن جهاد ونية، وإذا استنفرتم فانفروا

⁵¹ *Jāmi’ as-Ṣaḡhīr* (2828), (aka. *Sunan at-Tirmidhī*). Adh-Dhahabī declared it *Ṣaḡhīḥ* in *Siyar ‘Alām an-Nubalā* (15/509), as did Aḥmad Shākir in his *Takhrīj of Musnad Aḥmad*, and also by al-Albānī in his *Ṣaḡhīḥ al-Jāmi’* (2831)

⁵² *Ṣaḡhīḥ al-Bukhārī* (392), *Ṣaḡhīḥ Musim* (21), *Jāmi’ at-Tirmidhī* (2606), *Sunan Ibn Mājah* (3927)

⁵³ The expression *Maqāṣidush-Sharī'ah* refers to the five things that the divine law aims to safeguard and protect, namely the slave’s religion, blood, intellect, wealth, and lineage.

⁵⁴ *At-Ta’līqāt ‘alā As-Siyāsatush-Shar’iyyah* (p.76)

*“There is no Hijrah after the conquest; rather there is Jihād and Niyyah. So, if you are called to march forth, then go forth.”*⁵⁵

So, it is the *Niyyah* of the sincere believer that whenever he takes up arms against the enemies of Islām, he does so only in defence of the *Maqāṣidush-Sharī'ah*. Indeed, he sacrifices his wealth and his life for no other purpose. This is the covenant that Allāh ﷻ has taken from all of His sincere believing slaves, as is documented:

﴿فِي التَّوْرَةِ وَالْإِنْجِيلِ وَالْقُرْآنِ وَمَنْ أَوْفَى بِعَهْدِهِ مِنْ اللَّهِ
فَأَسْتَبْشِرُوا بِيَعِّكُمْ الَّذِي بَايَعْتُمْ بِهِ وَذَلِكَ هُوَ الْفَوْزُ
الْعَظِيمُ﴾

*...in the Tawrah and the Injil and the Qur'ān. And who is truer to his covenant than Allāh? So rejoice in the bargain which you have concluded; that is the supreme success.*⁵⁶

⁵⁵ *Ṣaḥīḥ al-Bukhārī* (3077), *Ṣaḥīḥ Muslim* (1864)

⁵⁶ *Sūrah at-Tawbah* (9):111

Al-Qudrah & Al-Istiṭā'ah

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

So have Taqwā of Allāh as much as you can.

Sūrah at-Taghābun (64):16

The act of commissioning someone or charging them with a responsibility or duty is called *at-Taklīf* [التكليف] in the Arabic language, while the person upon whom the obligation falls is referred to as *al-Mukallaf* [المكلف]. From among the principles of the Islamic *Sharī'ah* is the rule that there is “no *Taklīf* unless it is within one’s capability”.⁵⁷ This principle is derived from Allāh’s statement:

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

Allāh does not burden a person beyond his scope.⁵⁸

While commenting on this noble verse, *Imām* Ibn Kathīr رَحِمَهُ اللَّهُ stated that it “means, Allāh does not charge a soul beyond its ability; and this is [a demonstration] of His kindness, compassion and generosity towards His creation”.⁵⁹ Therefore, all obligations in Islām are conditional upon the slave’s *al-Qudrah* [power] and *al-Istiṭā'ah* [ability] to perform them. Additionally, if one is only able to implement a part of that with which he has been commanded, whilst being unable to perform some aspects thereof, he is obligated to do that which he can and is excused from that which he does not have the ability to do. This is because Allāh ﷻ says:

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

So have Taqwā of Allāh as much as you can.⁶⁰

Likewise, the Messenger of Allāh ﷺ said:

ما نهيتكم عنه فاجتنبوه، وما أمرتكم به فائتوا منه ما استطعتم

“Whatever I forbid for you, then avoid it; and whatever I command you with, then do as much as you can of it.”⁶¹

⁵⁷ This principle of *Fiqh* is expressed in Arabic as [لا تكليف إلا بمقدور].

⁵⁸ *Sūrah al-Baqarah* (2):286

⁵⁹ *Tafsīr Ibn Kathīr* (1/301)

⁶⁰ *Sūrah at-Taghābun* (64):16

⁶¹ *Ṣaḥīḥ al-Bukhārī* (7288), *Ṣaḥīḥ Muslim* (1337), and the *Forty Ḥadīth of Imām Nawawī*, No.9

Does this principle apply to Jihād?

And it is from these divine texts that Islamic jurists extract the principle “do whatever you can of that which has been commanded, and completely avoid that which has been prohibited”.⁶² An example in this regard would be the *Ṣalāh*. If one is unable to stand, for one reason or another, then he can pray sitting instead. However, if it is not possible for him to sit and pray, then he can perform this duty whilst laying down.⁶³ Indeed, this is from the encompassing Mercy of *Ar-Raḥmān* Who says:

﴿مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ
لِيُطَهِّرَكُمْ وَلِيُتِمَّ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ﴾⁶⁴

***Allāh does not want to place you in difficulty, but He
wants to purify you and to complete His Favour upon you
that you may be thankful.***⁶⁴

It has previously been stated that *Jihād* in the cause of Allāh ﷻ is but one of the noble acts of worship with which the Messenger ﷺ was sent; as such, it is not exempt from this general principle. Hence, those who do not possess the *Qudrah* and *Istiṭā'ah* to wage *Jihād* against the enemies of *Tawḥīd* are not required to do so, as Allāh ﷻ says:

﴿لَيْسَ عَلَى الضَّعَفَاءِ وَلَا عَلَى الْمَرْضَى وَلَا عَلَى الَّذِينَ لَا
يَجِدُونَ مَا يُنْفِقُونَ حَرَجٌ إِذَا نَصَحُوا لِلَّهِ وَرَسُولِهِ مَا عَلَى
الْمُحْسِنِينَ مِنْ سَبِيلٍ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾⁶⁵

***There is no blame on those who are weak or ill or who
find no resources to spend, if they are sincere and true to***

⁶² This principle of Fiqh is expressed in Arabic as [ما استطعت افعل من المأمور، واجتنب الكل من [المحذور].

⁶³ *Jāmi' at-Tirmidhī* (372)

⁶⁴ *Sūrah al-Mā'idah* (5): 6

Allāh and His Messenger. No way [of blame] can there be against the doers of good. And Allāh is Oft-Forgiving, Most Merciful. ⁶⁵

Imām al-Qurṭubī رحمه الله comments on this verse, observing that “His statement ***There is no blame on those who are weak*** is the evidence for excusing those who are incapable from responsibility. So anyone who is unable to perform something, then he is excused from doing so.” ⁶⁶ *Imām Ibn Kathīr* رحمه الله also states, “Here Allāh mentions the valid excuses that permit one to stay away from fighting. He mentions the excuses that remain with a person: weakness in the body that does not allow one to perform *Jihād*, such as blindness, lameness, and so forth. It is for this reason that He began with it. And from among them [i.e. excuses] there are those that are not permanent, such as an illness that would prevent one from marching forth in the cause of Allāh, or one’s poverty that prevents him from preparing for war. There is no blame in these cases if they remain behind, provided that when they remain behind they do not spread malice or try to discourage Muslims from fighting,⁶⁷ but all the while observing good behaviour in this state, just as Allāh said, ***No way (of blame) can there be against the doers of good. And Allāh is Oft-Forgiving, Most Merciful.***” ⁶⁸

Indeed, those who are exempt from the obligation of marching forth, whilst remaining sincere to Allāh ﷻ and His Messenger ﷺ, can hope for a reward from their Lord, as it has been narrated from Anas رضي الله عنه that the Prophet ﷺ said:

⁶⁵ *Sūrah at-Tawbah* (9):91

⁶⁶ *Al-Jāmi’ li ‘Aḥkāmīl-Qur’ān* (8/548)

⁶⁷ Spreading malice among the Muslims and discouraging them from participating in the *Jihād* is a characteristic of the *Munāfiqīn*, about whom Allāh says [which means]: “***Allāh already knows those among you who keep [people] back from fighting [in Allāh's cause], and those who say to their brethren, ‘Come here towards us’, while they come not to the battle except a little. Being miserly towards you. Then when fear comes, you will see them looking to you, their eyes revolving like one over whom hovers death; but when the fear departs, they will smite you with sharp tongues, miserly towards good. Such have not believed. Therefore, Allāh makes their deeds fruitless and that is ever easy for Allāh.***” [*Sūrah al-Aḥzāb* (33):18&19]

⁶⁸ *Tafsīr Ibn Kathīr* (2/327)

لقد تركتم بالمدينة أقواماً، ما سرتهم مسيراً ولا أنفقتم من نفقة
وما قطعتم من واد إلا وهم معكم فيه

“Verily, you have left some people behind in al-Madīnah,
you neither travelled any distance, nor spent anything, nor
crossed a valley, except that they are with you.”

Those with him inquired, “O Messenger of Allāh! How is it that they are
with us while they are in al-Madīnah?” The Prophet ﷺ replied:

حبسهم العذر

“They have been held back by a [legal] excuse.”⁶⁹

Taqwā in times of incapacity

However, as previously stated, *Jihād* is a comprehensive concept and thus
can be performed in various ways. In fact, the Messenger of Allāh ﷺ
commanded the Muslims to:

جاهدوا المشركين بأموالكم، وأنفسكم، وألسنتكم

“Wage *Jihād* against the *Mushrikīn* with your wealth; your
lives, and your tongues.”⁷⁰

Note that the conjunction used in this *Ḥadīth* to join these different *types* of
Jihād together is *and* [و], and not *or* [أو]. Thus the Muslim is required to
participate in the *Jihād*, in all of its forms, according to the best of his ability.
Consequently, this suggests that if he cannot perform *Jihād* with his wealth
due to being financially incapable, for example, he is not automatically
exempt from the obligation of marching forth to physically participate in the
campaign. Rather, he should present himself to the leader or commander of
the Muslim army and request to be sponsored, or solicit funds from the

⁶⁹ Recorded by Abū Dāwūd in his *Sunan: The Book of Jihād* (2508)

⁷⁰ *Sunan Abī Dāwūd* (2504)

Muslims, encouraging them to fulfil their duty to perform *Jihād* with the wealth. He should not exempt himself from *Jihād* without striving to remove the obstacle that prevents him from performing this noble deed. Such was not the way of the *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ, about whom Allāh ﷻ said:

﴿وَلَا عَلَى الَّذِينَ إِذَا مَا أَتَوْكَ لِتَحْمِلَهُمْ قُلْتَ لَا أَجِدُ مَا
أَحْمِلُكُمْ عَلَيْهِ تَوَلَّوْا وَأَعْيُنُهُمْ تَفِيضُ مِنَ الدَّمْعِ حَزَنًا أَلَّا
يَجِدُوا مَا يُنْفِقُونَ﴾⁷¹

Nor [is there blame] on those who came to you to be provided with mounts, when you said: ‘I can find no mounts for you’. They turned back, with their eyes overflowing with tears of grief that they could not find anything to spend.⁷¹

Imām Ibn Qayyim رَضِيَ اللَّهُ عَنْهُ, while commenting on this incident, said that, “He who is financially weak is not excused until he exerts himself [in pursuit of provisions or sponsorship], thereby confirming his incapability. Indeed, Allāh ﷻ only exempted those individuals after they came to the Messenger of Allāh ﷺ in order that he would provide them with mounts, then he said: ‘I can find no mounts for you.’ Hence, they returned crying due to what they had missed of *Jihād*. So these are the weak, upon whom there is no blame.”⁷² That which the Shaykh has explained is understood from the Prophet’s statement:

ما نهيتكم عنه فاجتنبوه، وما أمرتكم به فائتوا منه ما استطعتم

“Whatever I forbid for you, then avoid it; and whatever I command you with, then do as much as you can of it.”⁷³

Imām Ibn Rajab al-Ḥanbalī رَضِيَ اللَّهُ عَنْهُ stated that in this *Ḥadīth* there is “evidence that whoever is incapable of performing all of that with which he has been

⁷¹ *Sūrah at-Tawbah* (9):92

⁷² *Zādul-Ma’ād* (2/306)

⁷³ *Ṣaḥīḥ al-Bukhārī* (7288), *Ṣaḥīḥ Muslim* (1337), and *Forty Ḥadīth of Imām Nawawī*, No.9

commanded, but is able to carry out some aspects thereof, then he should do that which is within his ability.”⁷⁴ Performing that which is within one's ability is therefore an expression of being sincere to Allāh ﷻ and His Messenger ﷺ and, moreover, it is the essence of having *Taqwā* of Allāh ﷻ *as much as you can*.⁷⁵

This principle also applies to the wealthy Muslim who is physically incapable of marching out with the army. He is not automatically discharged from the duty of waging *Jihād* with his wealth, due to being exempt from the obligation of actively participating in battle. On the contrary, he is required to spend in Allāh's cause in fulfilment of the covenant that exists between him and his Lord.⁷⁶

Indeed, waging *Jihād* with one's wealth is obligatory upon those who are able to do so and involves: spending one's wealth in order to provide the *Mujāhidīn* with the equipment required to wage a successful campaign, equipping a poor *Mujāhid* who does not possess the financial means to spend in the cause of Allāh, and providing social welfare for the families of those who have marched forth in order to defend Islām and its sanctities. It also includes financing *Da'wah* and media campaigns, spending one's money in order to acquire information and intelligence about the enemy, as well as funding training camps. Financing safe havens, purchasing medical equipment, transportation, clothing, etc. for the *Mujāhidīn* are acts that all falls under the definition of *Jihād bi'l-Māl* [*Jihād* with the wealth]. Therefore, the financially capable Muslim who is unable to physically participate in battle is obligated to spend his wealth in this manner, as was explained by Ibn Taymiyyah رحمه الله who says:

“So whoever possesses wealth and is physically incapable [of participating in battle], then let him participate in the battle with his

⁷⁴ *Jāmi'ul-'Ulūm wa'l-Hikam* (p.98)

⁷⁵ *Sūrah at-Taghābun* (64):16

⁷⁶ This is an allusion to the verse in which Allāh ﷻ says: **“Indeed, Allāh has purchased from the believers their lives and their wealth so that [in return] Jannah will be for them. They fight in Allāh's cause, thus they kill and are killed. It is a promise in truth which is binding upon Him in the Tawrah, the Injil, and the Qur'ān. And who is truer to his covenant than Allāh? Then rejoice in the bargain which you have concluded; that is the supreme success.”** [*Sūrah at-Tawbah* (9):111]

wealth. As it has been narrated in the *Ṣaḥīḥayn*⁷⁷ that the Prophet ﷺ said ‘Whoever prepares a fighter in the Path of Allāh has participated in battle, and whoever takes care of a fighters family in his absence has participated in battle’. And whoever is physically capable [of participating in battle], but is poor, then let him take from the wealth of the Muslims with which he can prepare [himself for battle], irrespective of whether it is taken from the *Zakāh*,⁷⁸ given as a gift, taken from the Muslim treasury, or other than that.”⁷⁹

Failure to fulfil one’s duty in this regard is not only indicative of one’s insincerity towards Allāh ﷻ and His Messenger ﷺ, but it also exposes one to the danger of incurring the Anger of his Lord. The Messenger of Allāh ﷺ said:

من لم يغز أو يجهز غازياً أو يخلف غازياً في أهله بخير، أصابه
الله بقارعة (قال يزيد بن عبد ربه في حديثه: ‘قبل يوم القيامة’)

“Whoever does not participate in battle, or prepare a fighter, or take care of a fighter’s family in his absence, Allāh will afflict him with a sudden calamity [Yazīd bn ‘Abdu Rabbihi said in his narration, ‘before the Day of Resurrection’].”⁸⁰

⁷⁷ The term *Ṣaḥīḥayn* refers to the two most authentic collections of the prophetic *Aḥādīth*: *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*

⁷⁸ The term *Zakāh* refers to the alms-giving that the Muslim is obliged to give from his or her wealth once it has reached a certain level [the *Nisāb*] after living expenses, etc. The Muslim must record the Islamic date on which his or her wealth has reached the *Nisāb* level for that particular type of wealth. If after a lunar year has elapsed one is still in possession of the *Nisāb*, then he or she is obliged to pay the *Zakāh* on that wealth. The recipients of this form of charity were mentioned in Allāh’s statement:

“As-Sadaqāt [i.e. Zakāh] are only for the poor, and needy and those employed to collect [the funds]; and to attract the hearts of those who have been inclined [towards Islām]; and to free the captives; and for those in debt; and for Allāh’s cause, and for Ibn As-Sabīl; a duty imposed by Allāh. And Allāh is All-Knower, All-Wise.” [Sūrah at-Tawbah (9):60]

⁷⁹ *Majmū’ al-Fatāwā* (28/421)

⁸⁰ *Sunan Abī Dāwūd* (2503)

The poor Muslim who is incapable of physically participating in the *Jihād* against the forces of *Kufr* is also obligated to have *Taqwā* of Allāh ﷻ as much he can in this regard. Thus, as long as he is able to speak or write he is duty-bound to wage *Jihād bil-Lisān* [*Jihād* with his tongue], for Allāh ﷻ says:

﴿فَلَا تُطِيعُ الْكَافِرِينَ وَجَاهِدْهُمْ بِهِ ۖ جِهَادًا كَبِيرًا ۝٥٢﴾

So do not obey the disbelievers, but wage Jihād against them vigorously with it [i.e. the Qur'ān].⁸¹

The obligation to remove one's incapacity

This noble verse was revealed during the Makkan period of the Islamic call to *Tawhīd*; hence, the *Jihād* mentioned therein refers to calling the *Mushrikīn* to the worship of their Lord Alone, refuting their false beliefs and claims, and establishing the evidence against them. *Jihād bi'l-Lisān* also entails inciting the believers to participate in the campaigns against the disbelievers, as Allāh ﷻ said to His Messenger ﷺ:

﴿فَقَاتِلْ فِي سَبِيلِ اللَّهِ لَا تُكَلَّفُ إِلَّا نَفْسَكَ وَحَرِّضِ الْمُؤْمِنِينَ ۝٥٣﴾

Then fight in the cause of Allāh, you are not tasked [held responsible] except for yourself, and incite the believers.

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In short, *Jihād* in one form or another is binding upon the followers of the Messenger ﷺ, even if one is incapable of performing some aspects thereof. Az-Zuhrī رحمه الله clarified this ruling, stating that, “*Jihād* is obligatory upon every person, whether he actually joins the fighting or remains behind. Whoever remains behind is required to give support, if support is warranted;

⁸¹ *Sūrah al-Furqān* (25):52

⁸² *Sūrah an-Nisā'* (4):84

to provide aid, if aid is needed; and to march forth if he is commanded to do so. If he is not needed, then he remains behind”.⁸³

It is important to note that despite being excused from performing any act of obedience that is beyond his capability, the Muslim is not allowed to surrender to such weakness if a means to remove it is available. That is to say, as long as there is a way to eliminate his incapability to perform an obligation, and he is able to adopt such means, then it is compulsory upon him to strive in this regard. This ruling is derived from the principle that states “Whatever is required in order to fulfil an obligation is in itself an obligation”.⁸⁴ For example, if one is obligated to perform *Hajj* due to possessing the means to do so, it is incumbent upon him to acquire knowledge of its rulings, etc. as he cannot perform this ritual correctly without such knowledge.

This principle also applies to the obligation of waging *Jihād* in the cause of Allāh ﷻ against the disbelievers and the transgressors from among the Muslims. Therefore, whenever a Muslim community, or an individual therefrom, is in a state of weakness and thus cannot perform its duty in this regard, the members thereof are obliged to strive to remove such incapacity. In this regard Allāh ﷻ says:

﴿وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ
بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ﴾

***And prepare against them whatever you can of Qūwah
[power] and tethered horses in order to terrorise the
enemy of Allāh, as well as your enemy.***⁸⁵

Shaykul-Islām Ibn Taymiyyah رحمه الله observed that “Preparation for *Jihād* is compulsory [and is accomplished] by preparing *Qūwah* and tethered horses,

⁸³ *Tafsīr Ibn Kathīr* (1/220)

⁸⁴ This principle of *Fiqh* is expressed in Arabic as [ما لا يتم الواجب إلا به فهو واجب].

⁸⁵ *Sūrah al-Anfāl* (8):60. ‘Uqbah bn. Āmir said, “I heard the Messenger of Allāh ﷺ, while he was on the *Minbar* (i.e. pulpit), saying: ***And prepare against them whatever you can of Qūwah [power]. Indeed, Qūwah is shooting, Qūwah is shooting, Qūwah is shooting.***” [*Ṣaḥīḥ Muslim* (1917)]

during the period in which it [i.e. *Jihād*] is suspended due to weakness. For whatever is required in order to fulfil an obligation is in itself an obligation".⁸⁶ Consequently, whenever the *Ummah* finds itself in a state of weakness that renders it incapable of repelling the aggression of its enemies, striving to remove such incapacity becomes an obligation in itself. Military education and training, financial support, intellectual development, the acquisition and improvement of necessary skills, and media activities are all a part of this endeavour, as the Messenger of Allāh ﷺ said:

جاهدوا المشركين بأموالكم، وأنفسكم، وألسنتكم

“Wage *Jihād* against the *Mushrikīn* with your wealth; your lives, and your tongues.”⁸⁷

It is important to bear in mind that such preparation is an act of worship and as such should be performed with *Ikhlāṣ* and dedication. The principle that states “do whatever you can of that which has been commanded, and completely avoid that which has been prohibited” also applies to this act of obedience. Hence, the Muslim is not required to match the enemy in regards to their financial or military *might*. He is only obliged to prepare against them *whatever he can* of *Qūwah* and tethered horses,⁸⁸ and to outdo the

⁸⁶ *Majmū' al-Fatāwā* (28/259)

⁸⁷ *Sunan Abī Dāwūd* (2504)

⁸⁸ In modern warfare *tethered horses* would be equivalent to the contemporary forms of transportation and mobility that militaries use to transport troops and equipment, out maneuver their enemies, and to instill terror into their hearts. Regarding Allāh's statement, “**and tethered horses in order to terrorise the enemy of Allāh, as well as your enemy**”, Shaykh ‘Abdur-Raḥmān bn. Nāṣir as-Sa’dī رحمه الله says:

“And this cause was present within it [i.e. tethered horses] during that period, which is [the act of] terrorising the enemy, and the ruling revolves around the cause for issuing it. So if there is something present that is more terrifying than it, such as land and air vehicles prepared for the purpose of fighting and in which there is greater harm [for the enemy], then one has been commanded to prepare it and to strive to acquire it, to the extent that if it is not found except through learning how to manufacture it, then that is [also] obligatory, as whatever is required in order to fulfil an obligation is in itself an obligation.” [*Taysīrul-Karīmīr-Raḥmān fī Tafsīri Kalāmīl-Mannān* (p.302)]

enemy's patience.⁸⁹ If he fulfils his duty in this regard, only then he can hope for divine intervention and victory from his Lord, Who says:

﴿فَقَاتِلْ فِي سَبِيلِ اللَّهِ لَا تُكَلَّفُ إِلَّا نَفْسَكَ وَحَرِّضْ
الْمُؤْمِنِينَ عَسَى اللَّهُ أَنْ يَكُفَّ بَأْسَ الَّذِينَ كَفَرُوا وَاللَّهُ
أَشَدُّ بَأْسًا وَأَشَدُّ تَنكِيلًا﴾

Then fight in the cause of Allāh, you are not tasked [held responsible] except for yourself, and incite the believers.

Perhaps Allāh will restrain the evil might of the disbelievers, and Allāh is Stronger in might and Stronger in punishing.⁹⁰

Exceeding one's ability

So, out of His Infinite Mercy, Allāh ﷻ does not burden His servants beyond their capability, He only requires the Muslim to strive in pursuit of His Pleasure to the best of his or her ability. The believer is thus not obligated to exceed his capability, nor is it recommended for him to do so, as the Messenger of Allāh ﷺ said:

لا ينبغي للمؤمن أن يذل نفسه

“It is inappropriate for the believer to humiliate himself.”

The people inquired, “How does he humiliate himself”? He replied:

يتعرض من البلاء ما لا يطيق

*“By taking on trials that he cannot bear.”*⁹¹

⁸⁹ *Sūrah Āli ‘Imrān* (3):200

⁹⁰ *Sūrah an-Nisā’* (4):84

⁹¹ *Sunan ibn Mājah* (4016), *Jāmi’ at-Tirmidhī* (2254), *Silsilatus-Ṣaḥīḥah* (613)

One of the major faults that plagues the contemporary *Jihādī* movement is its failure to acknowledge its strengths and weaknesses, to be acquainted with the enemy's disposition, to understand its operational environment, and to possess a holistic comprehension of the conflict in which it is engaged. Indeed, although Allāh ﷻ has promised the believers victory over their enemies, He did not exempt them from being governed by the universal laws to which the entire creation must submit. Hence, due to being predominantly a military endeavour, *Jihād* in the cause of Allāh ﷻ is subject to the universal laws that govern war; and as such, Allāh ﷻ has ordered the Muslims to prepare whatever they can against their enemies and He also said:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا خُذُوا حِذْرَكُمْ فَانْفِرُوا ثُبَاتٍ أَوْ اَنْفِرُوا

جَمِيعًا﴾

O you who believe! Take your precautions and either go forth in parties, or go forth all together.⁹²

In order to be able to prepare sufficiently and to take the necessary precautions against one's enemy, the *Mujāhid* must be acquainted with his weaknesses and strengths, the enemy's disposition, and the environment in which he operates. Thus the Prophet ﷺ would not only evaluate his forces and consider the terrain in which battles were to take place, he would also dispatch spies in order to ascertain the enemy's disposition. This is a maxim of war, a universal principle, about which Sun Tzu said, "If you know the enemy and [you] know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle."⁹³ Ignoring the universal laws that Allāh تعالى has put in place, by failing to take one's precautions as commanded, is not an example of *Tawakkul* [reliance on Allāh]; rather it is an act of negligence to say the least, which may even constitute an act of disobedience to Him.

Engaging the contemporary enemy in a war of attrition or fighting against multiple adversaries whilst lacking sufficient military capability, as well as

⁹² *Sūrah an-Nisā'* (4):71

⁹³ *The Art of War*, Translated from the Chinese by Lionel Giles, M.A. (1910)

premature declarations of the establishment of the *Khilāfah*, are but a few examples of how the *Mujāhid* exposes himself to trials, the likes of which he is unable to bear. Verily, the Muslim *Ummah* is one that learns from its past mistakes, a characteristic of the *Īmān* that animates its ranks. Thus the Messenger of Allāh ﷺ said:

لا يلدغ المؤمن من جحر واحد مرتين

“The believer is not stung from the same hole twice.”⁹⁴

⁹⁴ *Ṣaḥīḥ al-Bukhārī* (6133)

The Issue of Tawlīyah

﴿إِنَّ خَيْرَ مَنْ أَسْتَجَرْتَ الْقَوِيُّ الْأَمِينُ﴾

Verily, the best of men for you to hire is the strong, the trustworthy.

Sūrah al-Qaṣaṣ (28):26

The act of appointing a ruler, administrator, manager, or to entrust or assign someone with a responsibility or particular duty, etc. is in essence the meaning of the Arabic term *at-Tawlīyah* [التولية]. For instance, the Messenger of Allāh ﷺ replied:

إنا لا نولي هذا من سأله، ولا من حرص عليه

“We do not assign [Nuwallī] ⁹⁵ this [responsibility] to anyone who requests it, nor to those who covet it.” ⁹⁶

As an Islamic concept, *at-Tawlīyah* is comprehensive, encompassing that which relates to the general leadership [i.e. the *Khalīfah*, ministers, and governors, etc.], as well as the appointment of commanders, revenue collectors, *Imāms* and *Mu'adhdhins*,⁹⁷ *Amīrs* for Hajj, and teachers, etc. The focus in this work, however, will be centred on *at-Tawlīyah* as it relates to waging *Jihād* in the cause of Allāh ﷻ in the current situation in which the *Ummah* finds itself.

The obligation to appoint an Amīr

Speaking in relation to the necessity of appointing a *Khalīfah*, *Shaykul-Islām* Ibn Taymiyyah رحمه الله observed that:

“It must be acknowledged that the governance of the people’s affairs is from among the greatest obligations of the religion. Nay, the [affairs of the] Religion and the *Dunyā* cannot be established without it. For indeed, the welfare of the children of Ādam cannot be accomplished without life in a social group, due to their need of each

⁹⁵ The verb *Nuwallī* is a derivative of the term *Tawlīyah*, which is the verbal noun thereof. It means “we assign, appoint”, etc.

⁹⁶ *Ṣaḥīḥ al-Bukhārī* (7149). This *Ḥadīth* provides evidence indicating that the democratic system of voting is a unislamic practice which the Muslims are obliged to abstain from, as it involves electing to office those who seek and desire positions of authority. The Messenger of Allāh ﷺ clearly states in this noble *Ḥadīth* that such positions should not be entrusted to such individuals, thus it is not permissible for Muslims to participate in this process, neither as candidates nor as the electorate.

⁹⁷ Those appointed to call the people to the prayer.

other; and they cannot do without a leader while [living] in human society, to the extent that the Prophet ﷺ said, 'If three set out on a journey, let them appoint one of them as an *Amīr*'." ⁹⁸

The Messenger's [ﷺ] command to select an *Amīr* from among the believers, should three or more of them set out on a journey, ⁹⁹ stresses the importance of appointing an *Amīr* to regulate the affairs of the *Jamā'ah* that has come together for the purpose of *Jihād*. Indeed, it is mandatory for the Muslim *Ummah* to produce from among their ranks a group of individuals for the purpose of establishing Allāh's Religion on earth, as He تعالى says:

﴿وَلَتَكُن مِّنكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ
وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ﴾ ^(١٦١)

Let there arise out of you a group of people inviting to all that is good, enjoining al-Ma'rūf [all that Islām orders] and forbidding al-Munkar [all that Islām has forbidden]. And it is they who are the successful. ¹⁰⁰

Although the *Ummah* is currently going through a period in which it has lost its general leadership, the duty to produce this group and wage *Jihād* in the cause of Allāh ﷻ has not been abrogated. On the contrary, such a sad state of affairs only intensifies this obligation and as such the Muslims are required to come together in order to satisfy its requirements and achieve its aims. This includes the responsibility of appointing an *Amīr* to manage and oversee the affairs of the movement. The ability to select an *Amīr* from among themselves is one of the favours that Allāh ﷻ has bestowed upon the Muslim *Ummah*, as was narrated by Jābir bn 'Abdullāh رَضِيَ اللَّهُ عَنْهُ who said that he heard the Messenger of Allāh ﷺ saying:

⁹⁸ *At-Ta'liqāt 'alā As-Siyāsatush-Shar'īyyah* (pgs.447&448)

⁹⁹ The Arabic text of this *Hadīth* is [إذا خرج ثلاثة في سفر، فليؤمروا أحدهم], and it was recorded by Abū Dāwūd in his *Sunan: The Book of Jihād* (2608).

¹⁰⁰ *Sūrah Āli 'Imrān* (3):104

لا تزال طائفة من أمتي يقاتلون على الحق ظاهرين إلى يوم
القيامة (قال) فينزل عيسى ابن مريم فيقول أميرهم 'تعال صل
لنا'، فيقول 'لا، إن بعضكم على بعض أمراء، تكرمة الله هذه
الأمّة

*“A group of my Ummah will not cease fighting victoriously upon the truth until the Day of Resurrection. [He then said], then ‘Īsā bn. Maryam [عليه الصلاة والسلام] will descend and their Amīr will say [to him], ‘come and lead us in prayer’. He [Īsā] will say, no. Indeed, some of you are leaders of others. This is the honour Allāh has bestowed on this Ummah’.”*¹⁰¹

A great Amānah

Therefore, not only is it an obligation for the Muslims to appoint an *Amīr* from among themselves in order to conduct and manage the affairs of the *Jihād*, it is an honour that has been bestowed upon this *Ummah* by the Lord of all that exists.

Once the *Amīr* has been selected, it is imperative for him to acknowledge and understand that a great responsibility has been placed upon him, for which he will be held accountable on the Day of Resurrection. Indeed, he has taken up an *Amānah* [trust, responsibility, etc.]¹⁰² the likes of which was rejected by the heavens and earth:

﴿إِنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمَوَاتِ وَالْأَرْضِ وَالْجِبَالِ فَأَبَيْنَ أَنْ
يَحْمِلْنَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا الْإِنْسَانُ إِنَّهُ كَانَ ظَلُومًا جَهُولًا﴾

Truly, We offered the Amānah to the heavens and the earth, and the mountains, but they declined to bear it and

¹⁰¹ *Ṣaḥīḥ Muslim* (156)

¹⁰² The Arabic word *Amānāt* is the plural form of the term *Amānah*

were afraid of it. But man bore it. Indeed, he was unjust and ignorant.¹⁰³

Commenting on this verse, *Imām Ibn Kathīr* رَحِمَهُ اللهُ said that:

“Alī bn. Abī Ṭalḥah reported that Ibn ‘Abbās said, “*al-Amanāh* means *al-Farā’id* [the religious obligations]. Allāh offered them to the heavens and the earth and the mountains, [on the grounds that] if they fulfilled them He would reward them; and if they failed, He would punish them. But they did not want to do that and they were afraid of it, not because their intention was sinful, but because of their respect for the religion of Allāh, in case they could not fulfil the obligations involved. Then Allāh offered it to Ādam, and he accepted it with all that it entailed. This is what is referred to in the verse, **But man bore it. Indeed, he was unjust and ignorant.**”¹⁰⁴

Indeed, being the *Amīr* of an Islamic *Jamā’ah* whose mission is to wage *Jihād* in the cause of Allāh ﷻ, is a tremendous responsibility. The execution of *Jihād*, its aims and objectives, its message, the lives, wealth, and honour of the people it aims to defend, as well as the blood of the *Mujāhidīn*, are all things about which he will be questioned. The Messenger of Allāh ﷺ said:

كلكم راع وكلكم مسؤول عن رعيته، فالأمر الذي علي الناس
راع وهو مسؤول عنهم

“Each of you is a shepherd and will be questioned about his flock. The *Amīr* who has authority over people is a shepherd and will be asked about them...”¹⁰⁵

One of the initial duties of the *Amīr*, and from among the most important thereof, is to appoint individuals to the various positions through which the aims of the *Jihād* can to be achieved. This includes administrative roles, social tasks, as well as positions related to finance, military affairs, and public relations. Indeed, the *Amīr* is responsible for selecting the most

¹⁰³ *Sūrah al-Aḥzāb* (33):72

¹⁰⁴ *Tafsīr Ibn Kathīr* (3/486)

¹⁰⁵ *Ṣaḥīḥ al-Bukhārī* (2554), *Ṣaḥīḥ Muslim* (1829)

suitable person for each office, and this in and of itself is a great *Amānah* that has been placed upon him. Allāh ﷻ says:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ
بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ
اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾

*Verily, Allāh commands that you should render back the
Amānāt to those to whom they are due; and that when
you judge between men that you judge with justice.
Verily, how excellent is the teaching which He gives you!
Truly, Allāh is Ever All-Hearer, All-Seer.*¹⁰⁶

Ibn Taymiyyah and Ibn Kathīr رَحِمَهُمَا اللَّهُ both mention the cause for the revelation of this noble verse, explaining that when the Messenger of Allāh ﷺ conquered Makkah he received the keys of the *Ka’bah* from Banī Shaybah. His uncle al-‘Abbās رَضِيَ اللَّهُ عَنْهُ then sought custody of the keys from him, in order to combine the responsibility of providing water for the pilgrims and the function of being the gatekeeper for the Sacred House.

Allāh ﷻ then revealed this verse, which the Messenger ﷺ was reciting as he exited the *Ka’bah*, ordering him to return the keys to Banī Shaybah. The Prophet ﷺ thus called ‘Uthmān bn Ṭalhah [who was from the Banī Shaybah tribe] and returned the keys to him.¹⁰⁷ Therefore, the act of appointing officials, commanders, and other trustees, for the purpose of carrying out specified tasks, is an *Amānah* for which the *Amīr* is responsible. The Messenger of Allāh ﷺ made this clear to Abū Dharr al-Ghifārī رَضِيَ اللَّهُ عَنْهُ when the latter inquired about being appointed to a public office. He ﷺ said:

يا أبا ذر! إنك ضعيف، وإنها أمانة، وإنها يوم القيامة خزي
وندامة، إلا من أخذها بحقها، وأدى الذي عليه فيها

¹⁰⁶ *Sūrah an-Nisā’* (4):58

¹⁰⁷ For more details refer to Ibn Kathīr’s *Tafsīr* of *Sūrah an-Nisā’* (4):58, and *At-Ta’līqāt ‘alā As-Siyāsatush-Shar’iyyah*

*“O Abū Dharr! Indeed you are weak and it [i.e. a public office] is an Amānah; and it will be a [source of] disgrace and regret on the Day of Resurrection, except for he who fulfils its rights and discharges that which is upon him in that position.”*¹⁰⁸

It can be deduced from this noble *Hadīth* that it is from the *Sunnah* of the Messenger ﷺ for the *Amīr* to be familiar with those under his charge, to the extent that he is able to identify their weaknesses and strengths. This will not only enable him to give them sincere and sound advice, but it will also aid him to appoint the most suitable person for any given task. In fact, this is an obligation upon him, as Allāh ﷻ has commanded the believers to **“render back the Amānāt to those to whom they are due”**.

The best man for the job

The responsibility of selecting *the best man for the job* is one that should not be considered lightly, as the Messenger of Allāh ﷺ was asked about the occurrence of the Hour and replied:

إذا ضيعت الأمانة فانتظر الساعة

“When the Amānah is lost, then await the Hour.”

The questioner then inquired, “How will it be lost?” The Prophet ﷺ responded:

إذا وُسد الأمر إلى غير أهله، فانتظر الساعة

*“When authority is given to those who do not deserve it, then await the Hour.”*¹⁰⁹

So, one of the signs of the the Hour is that positions of authority will be given to those who do not deserve them. The evil consequences of such

¹⁰⁸ *Ṣaḥīḥ Muslim* (1825)

¹⁰⁹ *Ṣaḥīḥ al-Bukhārī* (59)

negligence have been witnessed on numerous battle fronts, Syria is a prime example in this regard. A number of events have occurred during this conflict that demonstrate how bad leadership does not only cost lives, but also prevents the *Jihād* from achieving its aims and objectives.¹¹⁰

Although each responsibility and position has aims that are peculiar to it, as well as specified methods to achieve them, they all have two objectives in common. *Shaykul-Islām* Ibn Taymiyyah رَحِمَهُ اللهُ states that the primary function of each office is to “reform the religion of the people, without which they will suffer manifest loss and what they are pleased with in the worldly life will not benefit them, and to set in order that of the worldly affairs without which the religion cannot be established.”¹¹¹ Therefore, each office exists to serve the people and aid them to fulfil the purpose for which they were created. In fact, this is the purpose for which the whole creation exists, as Allāh ﷻ says:

﴿أَلَمْ تَرَوْا أَنَّ اللَّهَ سَخَّرَ لَكُم مَّا فِي السَّمَوَاتِ وَمَا فِي الْأَرْضِ
وَأَسْبَغَ عَلَيْكُمْ نِعَمَهُ ظَهَرَةً وَبَاطِنَةً وَمِنَ النَّاسِ مَن يُجَادِلُ
فِي اللَّهِ بِغَيْرِ عِلْمٍ وَلَا هُدًى وَلَا كِتَابٍ مُّنِيرٍ﴾

***See you not that Allāh has subjected for you whatsoever
is in the heavens and whatsoever is on the earth, and has***

¹¹⁰ The 2016 *Jund ul-Aqṣā* led offensive against regime forces stationed in northern Hama, which was intended to relieve the besieged Muslims of Aleppo, serves as an excellent example in this regard. The aim was to create a dilemma for the enemy, in which he would be forced to either continue the offensive on the Muslims besieged in Aleppo, and risk losing Hama city, or lift the siege and reinforce the crumbling defences of Hama. Sadly, as the *Mujāhidīn* were on the verge of capturing the strategically crucial Mt. Zayn ul-‘Ābidīn that overlooks the provincial capital, and the seizing of which would have set the stage for an offensive on the city itself, the leadership of *Aḥrār ash-Shām* took the treacherous decision to attack the forces of *Jund ul-Aqṣā* from behind. Thus they cut the *Mujāhidīn*’s lines of communication, ultimately forcing them to break off their offensive on regime-held Hama, which had been quite successful up until that point.

¹¹¹ *At-Ta’līqāt ‘alā As-Siyāsatush-Shar’īyyah* (p.69)

***completed and perfected His Graces upon you, apparent
and hidden?*** ¹¹²

With this understood, it is important for one to possess knowledge of the aims of each office, or role, as well as an understanding of the means required in order to achieve them, if one is to successfully select the most suitable person for the job. Additionally, there are two characteristics that the *Amīr* should search for in any potential deputy: strength and trustworthiness. This is based upon Allāh's statement:

﴿إِنَّ خَيْرَ مَنْ اسْتَجَرْتَ الْقَوَى الْأَمِينُ﴾

***Verily, the best of men for you to hire is the strong, the
trustworthy.*** ¹¹³

Shaykul-Islām Ibn Taymiyyah رَحِمَهُ اللهُ explains that “strength in relation to each office is [considered] accordingly. So, strength in relation to the office of war consists of bravery of the heart, experience in warfare and the related stratagems, for indeed war is deceit. It also involves the ability to employ [various] types of fighting [skills], such as marksmanship, thrusting and striking,¹¹⁴ horsemanship, attack and retreat, and the likes, just as Allāh the Exalted says: ***And prepare against them whatever you can of Qūwah and tethered horses in order to terrorise the enemy of Allāh, as well as your enemy*** ¹¹⁵” ¹¹⁶

The Shaykh also clarified that trustworthiness is a fruit of fearing Allāh ﷻ, as opposed to fearing mankind. For a heart that fears Allāh Alone prevents one from trading with Allāh's verses. So when searching for a suitable person for any role or position of authority, the *Amīr* should search for those who

¹¹² *Sūrah Luqmān* (31): 20

¹¹³ *Sūrah al-Qaṣaṣ* (28): 26

¹¹⁴ *Thrusting* and *striking* in this statement refers to the movements that are peculiar to sword fighting, which was a common mode of fighting during the era in which the Shaykh lived. The tactics and skills involved in all forms of contemporary close-quarters fighting can be considered modern examples of what the Shaykh's statement refers to as *thrusting* and *striking*.

¹¹⁵ *Sūrah al-Anfāl* (8):60

¹¹⁶ *At-Ta'liqāt 'alā As-Siyāsatush-Shar'iyyah* (pgs.42&43)

possess such qualities and characteristics.¹¹⁷ However, it is equally important to be pragmatic and to acknowledge the fact that there is a difference between the *ideal* and the *reality* with which one is confronted.

Taqwā in this regard

Indeed, it is rare to come across individuals that tick all the boxes, by possessing all of the ideal characteristics, knowledge, and skills. The *Amīr* is therefore required to have *Taqwā* of Allāh ﷻ as much as he can, by choosing the most suited person *available* for each given role. The Messenger of Allāh ﷺ said:

يا أيها الناس إنكم لن تطيقوا أو لن تفعلوا كل ما أمرتم به،
ولكن سدّدوا وأبشروا

“O people! You are unable to, or cannot, do all of that you have been ordered. However, aim [to achieve success] and receive glad tidings.”¹¹⁸

Thus by selecting the best from among those who are present the *Amīr* fulfils his duty in this regard. Additionally, one should not forget that it is not from Islām to submit to one's weaknesses and inabilities, as long as a means to remove such deficiency is available. Therefore, one should not be content with settling for the best person *available* if they do not satisfy the ideal requirements. Rather, one should continue to search for someone who deserves the appointment more than the selected individual, or should at least

¹¹⁷ Strength and trustworthiness are two qualities that are rarely combined in an individual. Strong but not trustworthy or a trustworthy weak person is what is commonly found among the people. When confronted with such a situation, the *Amīr* should utilize the strong person where strength is required, such as in war, and the trustworthy individual where trust is necessitated, such as in work related to the treasury. Regarding tasks that require both qualities, then the strong person should be paired with the trustworthy individual in order to achieve the aim, such as in the collection of the *Zakāh*, the *Jizyah*, and the likes. Refer to Ibn Taymiyyah's *As-Siyāsatush-Shar'īyyah fī Islāhīr-Rā'ī wa'r-Ra'īyah* for a more detailed discussion regarding this point and other related matters.

¹¹⁸ *Sunan Abī Dāwūd* (1096)

establish a programme for improving and developing the knowledge and skills of the *Mujāhidīn*.

It is equally important to note that if one comes across someone who possesses some of the ideal qualities, but lacks what someone else is endowed with, the *Amīr* can appoint both individuals to serve relevant roles in the same office. This will aid in compensating for the deficiencies present in both candidates, and it also fall in line with the divine injunction:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ﴾

Help one another in righteousness and Taqwā. ¹¹⁹

In relation to the issue of *Tawlīyah*, Shaykhul-Islām Ibn Taymiyyah رَحِمَهُ اللهُ offered some important advice, stating that the *Amīr* should “not give preference to someone merely because he sought the position, or preceded [someone else] in this regard. Rather, this is a cause to prevent [him from being selected for the role].” ¹²⁰ The Shaykh supports this view with the *Ḥadīth* of Abū Mūsā رَضِيَ اللهُ عَنْهُ, in which he narrated that he entered upon the Prophet ﷺ with two men from his tribe, one of whom said to him ﷺ, “O Messenger of Allāh! Appoint me as governor.” The other person who entered with Abū Mūsā also requested to be appointed to such a position. Thus the Messenger of Allāh ﷺ replied:

إِنَّا لَا نُولِي هَذَا مِنْ سَأَلِهِ، وَلَا مِنْ حَرَصٍ عَلَيْهِ

“We do not assign this [responsibility] to anyone who requests for it, nor to those who covet it.” ¹²¹

The ultimate betrayal

The *Amīr* therefore should fear Allāh ﷻ to the best of his ability in this regard, by refraining from appointing unqualified individuals to positions of

¹¹⁹ *Sūrah al-Mā'idah* (5):2

¹²⁰ *At-Ta'līqāt 'alā As-Siyāsatush-Shar'īyyah* (p.27)

¹²¹ *Ṣaḥīḥ al-Bukhārī* (7149)

authority, or assigning roles to them. He should neither employ those who seek such positions, nor any person who covets them, for such individuals demonstrate their ignorance of the responsibility these duties entail by making such requests or nursing such ambitions.¹²² Likewise, he should not assign any role or office to someone on the basis of his relationship with or his love for them. Rather, he is required to be concerned with the person's ability to fulfil the obligations of the office to which he or she has been appointed. Failure in this ultimately results in committing that which Allāh ﷻ has warned the believers against:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمْنَتَكُمْ وَأَنْتُمْ تَعْلَمُونَ﴾

***O you who believe! Betray not Allāh and His Messenger,
nor knowingly betray your Amānāt. And know that your***

¹²² Leadership is an *Amānah*, about which those in such positions will be questioned. It is for this reason that the heavens, the earth, and the mountains refrained from taking on this responsibility, out of fear of Allāh تعالى, “***But man bore it. Indeed, he was unjust and ignorant***”. [Sūrah al-Aḥzāb:72] Thus those who covet and seek positions of authority only demonstrate their ignorance of what such responsibility entails, as well as a lack of fear of standing before Allāh تعالى in order to be held accountable for their actions while occupying such positions.

As for the statement of the noble Prophet Yūsuf عَلَيْهِ السَّلَام, “***Set me over the storehouses of the land; I will indeed guard them with full knowledge***” [Sūrah Yūsuf:55], it has been stated that he only sought this position as he knew that there was no one else that could establish justice and reform in relation to the task at hand and who would also ensure that the poor received their rights. Therefore Yūsuf عَلَيْهِ السَّلَام understood it to be an individual duty upon him to put himself forward for the position. *Imām al-Qurṭubī* observed that:

“Such is the ruling today. If a person knows within himself that he can establish the truth in the administration of law or in enjoining the good and forbidding the evil, and there is no one else suitable [for the role] or anyone who could take his place, then it is his duty and it is obligatory upon him to assume the position, as well as to request for it and to inform [them] of his qualities that make him worthy of the position, such as knowledge, capability, and other than that, just as Yūsuf عَلَيْهِ السَّلَام said.” [Al-Jāmi’ li’Aḥkāmīl-Qur’ān (9/196)]

possessions and your children are but a trial and that surely, with Allāh is a mighty reward. ¹²³

The commander of the believers ‘Umar bn. al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ said: “Whoever has been appointed over any of the affairs of the Muslims, and [in turn] appoints someone on the basis of the love or relationship between them, he has betrayed Allāh and His Messenger, and the Muslims.”¹²⁴ Indeed, there is no greater act of betrayal than that which is directed at Allāh ﷻ and His Messenger ﷺ, and which violates the honour and the rights of the Muslims. The punishment for the one who violates this great *Amānah* is truly severe, as Allāh’s Messenger ﷺ said:

ما من عبد، استرعاه الله رعية، فلم يحطها بنصيحة إلا لم يجد
رائحة الجنة

“There is no slave whom Allāh has appointed over some people, yet he does not take care of them in an honest manner, except that he will not [even] perceive the scent of Jannah.” ¹²⁵

This noble *Hadīth* contains a severe warning against betraying those over whom one has been granted authority and with whose affairs one has been trusted. Such betrayal includes the act of sending the *Mujāhidīn* into battles under incompetent leadership, failing to equip them adequately despite possessing the means to do so, and deploying them in a manner that displays total disregard for their lives and wellbeing. Indeed, examples such as these are all manifestations of betraying those over whom one has been appointed.¹²⁶

¹²³ *Sūrah al-Anfāl* (8): 27&28

¹²⁴ Recorded by *Shaykhul-Islām* Ibn Taymiyyah in *as-Siyāsatush-Shar’iyyah*

¹²⁵ *Ṣaḥīḥ al-Bukhārī* (7150)

¹²⁶ The 2017 mission to “defend” Abū Dhuhūr airport, which was ill-prepared, inadequately equipped, and poorly led, serves as an excellent example in this regard. Trusted inside sources report that the leadership had acknowledged that the battle was a lost cause, and one that was not in favour of the *Mujāhidīn*. However, instead of conducting an orderly and structured retrograde operation, with a view to enabling the *Mujāhidīn* to occupy terrain more suited for defence and that would create conditions favourable for a counter-offensive, the

The importance of Shūrā

With this understood, and after the offices and roles have been assigned according to the *Shar'*, let those in positions of authority take *Taqwā* as their provision for this long journey and discharge their duties with *Ikhlāṣ* and steadfastness. Let them also acknowledge and understand that they are not self-sufficient and that as human beings they are prone to falling into error. It is for this reason that the Muslims have been commanded to aid each other in righteousness and *Taqwā*, and to seek guidance through the process of *Shūrā*.¹²⁷

Indeed, irrespective of the authority that has been entrusted to the individual, or the level of knowledge, experience, and understanding one has attained, *Shūrā* is an indispensable means through which Allāh ﷻ guides the believer. Every *Amīr*, or trustee, is in need of *Shūrā*; hence, Allāh ﷻ said to His Messenger ﷺ:

﴿فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ
فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ﴾

***...so pardon them, and seek forgiveness for them; and
consult them [وشاورهم] in the affairs. Then when you***

decision was made to inform the unaware fighters that they would fight for every inch of ground.

Indeed, the so-called defence of Abū Dhuhūr was a classic case of betrayal, as the leadership understood the battle to be forgone conclusion and thus withheld the requisite information, weapons, and supplies from the Muslims who were deployed to defend the airport. Consequently, the battle was a huge setback for the *Mujāhidīn*, both in terms of territory and loss of life, and *to Allāh do we belong and to Him do we return*.

¹²⁷ *Shūrā* is the Arabic term for *mutual consultation*, a process enjoined upon the Muslim rulers and those in other positions of authority as a means of conducting the affairs of the Muslims. The laymen are also advised to seek guidance through *Shūrā* when faced with having to make important decisions.

***have taken a decision, put your trust in Allāh, certainly,
Allāh loves those who put their trust [in Him].***¹²⁸

The *Sīrah* testifies to the fact that the Messenger of Allāh ﷺ would often hold *Shūrā* with his *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ regarding matters of war, as well as various other issues of a non-military nature.¹²⁹ That is to say, the Prophet ﷺ made *Shūrā* a regular practice through which he made his decisions, and:

﴿لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُوا
اللَّهَ وَالْيَوْمَ الْآخِرَ وَذَكَرَ اللَّهَ كَثِيرًا﴾^(٦١)

***Indeed in the Messenger of Allāh you have a good
example to follow for him who hopes in Allāh and the
Last Day, and remembers Allāh much.***¹³⁰

It is important to note that this process of consultation is not akin to the western polytheistic concept of democracy in which the majority opinion is given precedence, a concept that has caused moral principles to lose their distinctiveness. It is for this reason that Allāh ﷻ says:

﴿وَإِنْ تُطِيعُوا أَكْثَرَ مَن فِي الْأَرْضِ يُضِلُّوكَ عَنْ سَبِيلِ اللَّهِ إِنْ
يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ﴾^(١١٦)

***And if you obey most of those on the earth, they will
mislead you far away from Allāh's Path. They follow
nothing but conjecture, and they do nothing but lie.***¹³¹

Those in authority are therefore required to listen to the opinions of those present in their *Shūrā* gatherings and thereafter place them on the scales of justice: the divine revelation. One is obliged to follow the opinion that is in

¹²⁸ *Sūrah Āli 'Imrān* (3):159. This verse serves as evidence that to consult the Muslims in matters that concern the *Ummah* is an obligation.

¹²⁹ For example, the Messenger ﷺ consulted the *Ṣaḥābah* on the day of Badr and did likewise regarding the false accusation levelled against his wife the mother of the believers 'Ā'ishah رَضِيَ اللَّهُ عَنْهَا.

¹³⁰ *Sūrah al-Aḥzāb* (33):21

¹³¹ *Sūrah al-An'ām* (6):116

line with the *Shar'*, or that appears to be the closest thereto, even if it is the minority opinion. Hence, ‘Abdullāh Ibn Mas’ūd رضي الله عنه said, “The *Jamā’ah* is whatever agrees with the truth, even if you are alone”. Such was the understanding and steadfastness of the *Ṣaḥābah* رضي الله عنهم, the most prominent of whom was Abū Bakr *aṣ-Ṣiddīq* رضي الله عنه who has left behind an excellent example for the believers to follow.¹³²

Related to the issue of *Shūrā* is the obligation to give *Naṣīḥah* [advice] to those in authority, as this is an integral aspect of the religion with which Allāh ﷻ is pleased. Hence, the Messenger of Allāh ﷺ said:

إِنَّ اللَّهَ يَرْضِي لَكُمْ ثَلَاثًا: أَنْ تَعْبُدُوهُ وَلَا تَشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفْرُقُوا، وَأَنْ تَنَاصَحُوا مَنْ وَلَاهُ اللَّهُ أَمْرَكُمْ

*“Verily, Allāh is pleased with three things for you: That you worship Him and do not associate anything with Him, and that you hold on to the rope of Allāh together and be not divided [among yourselves], and that you advise those whom Allāh has appointed over your affairs.”*¹³³

Those in authority should always leave the doors of *Naṣīḥah* [advice] open, making those under their command feel comfortable to approach them by

¹³² This is a reference to the stance taken by Abū Bakr *aṣ-Ṣiddīq* رضي الله عنه when the majority of the *Ṣaḥābah* رضي الله عنهم differed with him over fighting those who refrained from paying the *Zakāh* after the death of the Prophet ﷺ. ‘Umar bn. Al-Khattāb رضي الله عنه, who also expressed his reservations about fighting these people, said to Abū Bakr, “How can you fight the people, when the Messenger of Allāh ﷺ said, ‘I have been commanded to fight the people until they say there is none worthy of worship except Allāh; so whoever says there is none worthy of worship except Allāh, then he has safeguarded his wealth and his life from me, except for its right [i.e. the right of Islām] and his reckoning is with Allāh’?”

Thus Abū Bakr replied, “By Allāh! I will certainly fight whoever differentiates between the prayer and the *Zakāh*, as the *Zakāh* is the right of the wealth. By Allāh! If they were to withhold even a ‘*Iqāl* [i.e. the cord used for hobbling the feet of a camel] that they used to give to the Messenger of Allāh ﷺ I will surely fight them for that.” Thus ‘Umar bn. al-Khattāb said, “By Allāh! This is nothing but that I see that Allāh ﷻ had opened up the breast of Abū Bakr for fighting, hence I realised that it was the truth.” [*Ṣaḥīḥ Muslim* (20)]

¹³³ *Ṣaḥīḥ Muslim* (1715)

always listening to what they have to say. They should take the good of such *Naṣīḥah*, in as much as it does not fall outside of the guidance of the *Shar'*. Such was the etiquette of the Messenger ﷺ, an excellent display of which occurred at the battle of Badr. Indeed, successful are those who conduct their affairs in this manner, as those who deserve that which is with Allāh ﷻ have been described as those who:

﴿أَسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ﴾¹³⁴

...answer the call of their Lord, and perform the Ṣalāh, and who [conduct] their affairs through Shūrā, and who spend from that which We have bestowed upon them.¹³⁴

¹³⁴ *Sūrah ash-Shūrā* (42):38

Al-Barā' from Shirk & its People

﴿إِنَّا بُرَءُؤُا مِنْكُمْ وَمِمَّا تَعْبُدُونَ مِنْ دُونِ اللَّهِ كَفَرْنَا بِكُمْ
وَبَدَا بَيْنَنَا وَبَيْنَكُمْ الْعَدَاوَةُ وَالْبَغْضَاءُ أَبَدًا حَتَّى تُؤْمِنُوا بِاللَّهِ
وَحْدَهُ﴾

***Indeed, we are free from you and whatever you worship
besides Allāh, we have disbelieved in you and hostility and
hatred has become apparent between us and you forever
until you believe in Allāh Alone.***

Sūrah al-Mumtahinah (60):4

The Arabic term *al-Barā'* [البراءة] is the verbal noun of *Bari'a* [برئ], which means to be *free*, or *cleared*, from something [especially guilt or blame]. For example, whilst proving his innocence Prophet Yūsuf عَلَيْهِ الصَّلَاةُ وَالسَّلَام said to the king:

﴿وَمَا أَبرِئُ نَفْسِي إِنَّ النَّفْسَ لَأَمَّارَةٌ بِالسُّوءِ إِلَّا مَا رَحِمَ رَبِّي
إِنَّ رَبِّي غَفُورٌ رَحِيمٌ﴾

And I free [أبرئ] not myself [from the blame]. Verily, the self is inclined to evil, except upon whom my Lord bestows His mercy. Verily, my Lord is Oft-Forgiving, Most Merciful.¹³⁵

This word also denotes an act of *severance* or *distancing* of oneself from something or someone. The person who performs this act, or is described with this trait, is said to be *Bari'* [بريء] from the actions or beliefs of someone else, or is said to have cut ties with them. Thus, the Messenger of Allāh ﷺ was commanded to say:

﴿قُلْ إِنَّمَا هُوَ إِلَهٌُ وَاحِدٌ وَإِنِّي بَرِيءٌ مِّمَّا تُشْرِكُونَ﴾

He Alone is God, and truly I am innocent [بريء] of what you associate [with Him].¹³⁶

The same word is used to free oneself from any obligation towards another person, or a group thereof. Hence, when Allāh ﷻ nullified the covenants between Him and the *Mushrikīn*, He ﷻ said:

﴿بَرَاءَةٌ مِنَ اللَّهِ وَرَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ﴾

Freedom [براءة] from [all] obligations [is declared] from Allāh and His Messenger to those of the Mushrikīn, with whom you made a treaty.¹³⁷

¹³⁵ Sūrah Yūsuf (12):53

¹³⁶ Sūrah al-An'ām (6):19

¹³⁷ Sūrah at-Tawbah (9):1

Therefore, the state of being *Barī'* [بريء] from *Shirk* and its people means to free oneself from all forms of polytheism, in creed, speech, and action. It is to sever ties and distance oneself from the people of *Shirk*, their beliefs, practices, customs and values. It is to free oneself from any obligation towards those who associate partners with Allāh ﷻ in His *Rubūbiyyah*, *Asmā' wa'-Ṣifāt*, or in His *Ulūhiyyah*,¹³⁸ as was exemplified by Prophet Ibrāhīm عَلَيْهِ السَّلَام and those who were with him, who said to their people:

﴿إِنَّا بُرَءَاؤُا مِنْكُمْ وَمِمَّا تَعْبُدُونَ مِنْ دُونِ اللَّهِ كَفَرْنَا
بِكُمْ وَبَدَا بَيْنَنَا وَبَيْنَكُمُ الْعَدَاوَةُ وَالْبَغْضَاءُ أَبَدًا حَتَّى تُؤْمِنُوا
بِاللَّهِ وَحْدَهُ﴾

***Verily, we are free [برءاؤا] from you and whatever you
worship besides Allāh, we have disbelieved in you and
hostility and hatred has become apparent between us and
you forever until you believe in Allāh Alone.***¹³⁹

Indeed, this was the excellent example of *al-Barā' from Shirk and its people* that Prophet Ibrāhīm عَلَيْهِ السَّلَام, and those who were with him, left behind for those who hope for Allāh تعالى and the Last Day. For verily, Allāh ﷻ nullifies the *Īmān* of those who do not sever ties with the people of *Shirk* and distance themselves from their polytheistic beliefs, practices, traditions, and systems of governance. Thus, He ﷻ says:

﴿وَلَوْ كَانُوا يُؤْمِنُونَ بِاللَّهِ وَالنَّبِيِّ وَمَا أُنْزِلَ إِلَيْهِ مَا اتَّخَذُوهُمْ
أَوْلِيَاءَ وَلَكِنَّ كَثِيرًا مِّنْهُمْ فَسِقُونَ﴾

¹³⁸ The expression *Tawhīdur-Rubūbiyyah* refers to Allāh's Oneness in regards to His actions, while *Tawhīdul-Asmā' i wa'-Ṣifāt* denotes Allāh's Oneness in regards to His Beautiful Names and Majestic Attributes. As for the term *Tawhīdul-Ulūhiyyah* it represents the act of singling Allāh out Alone for acts of worship and devotion. These are the three fundamental principles of *Tawhīd*, which are alluded to in Allāh's statement, "**Lord of the heavens and the earth, and all that is between them, so worship Him and abide patiently in His worship. Do you know of any who is similar to Him?**" [Sūrah Maryam (19):65]

¹³⁹ Sūrah al-Mumtahinah (60):4

And had they believed in Allāh and in the Prophet, and in what has been revealed to him, never would they have taken them as Awliyā'; but many of them are rebellious.

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The word *Awliyā'* [أولياء], that appears in this noble verse, is the plural form of the term *Walī* [ولي], which essentially means to *be close*, to show *love and affection*, or to offer *aid and assistance*. The term *at-Tawallī* [which is derived from the same root word as *Walī*] generally refers to the act of either turning towards, or away from, someone or something. For example, Allāh ﷻ says:

﴿قُلْ أَطِيعُوا اللَّهَ وَالرَّسُولَ فَإِنْ تَوَلَّوْا فَإِنَّ اللَّهَ لَا يُحِبُّ
الْكَافِرِينَ﴾

Say: 'Obey Allāh and the Messenger'. But if they turn away [تَوَلَّوْا], then Allāh does not like the disbelievers. ¹⁴¹

Al-Jihād: an expression of al-Barā'

The believer is forbidden from turning towards the disbelievers, offering them love and affection, and thereby establishing close relationships with the enemies of Islām. For indeed Allāh ﷻ said:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَىٰ أَوْلِيَاءَ
بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ
لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ﴾

O you who believe! Do not take the Jews and the Christians as Awliyā', as they are but Awliyā' of each other. And if any among you [يَتَوَلَّهُمْ] turns to them [taking

¹⁴⁰ *Sūrah al-Mā'idah* (5):81

¹⁴¹ *Sūrah Āli 'Imrān* (3):31

them as Awliyā’], then surely, he is one of them. Verily, Allāh guides not those people who are the wrongdoers. ¹⁴²

This noble verse indicates that the act of violating the principle of *al-Barā’* from *Shirk* and its people is an act of *Kufr* that removes the perpetrator from the fold of Islām. Thus the believer is required to maintain a relationship of *Barā’* and animosity with those who associate partners with Allāh ﷻ. The animosity that exists between the believers and the disbelievers is not a recent phenomenon; rather it is characteristic of an ancient old conflict that began when Shayṭān refused to prostrate to the Father of mankind, and then arrogantly said to his Lord:

﴿ قَالَ فَبِمَا أَغْوَيْتَنِي لَأَقْعُدَنَّ لَهُمْ صِرَاطَكَ الْمُسْتَقِيمَ ﴿١٦﴾ ثُمَّ لَآتِيَنَّهُمْ مِّنْ بَيْنِ أَيْدِيهِمْ وَمِنْ خَلْفِهِمْ وَعَنْ أَيْمَانِهِمْ وَعَنْ شَمَائِلِهِمْ وَلَا تَجِدُ أَكْثَرَهُمْ شَاكِرِينَ ﴿١٧﴾ ﴾

Because You have sent me astray, I will surely sit in wait against them on Your straight path. Then I will come to them from before them and behind them, from their right and from their left, and You will not find most of them to be grateful. ¹⁴³

Imām Ibn Kathīr رَحِمَهُ اللهُ narrated that “‘Alī bn. Abī Ṭalḥah reported that Ibn ‘Abbās said: ‘**and You will not find most of them to be grateful** means, *Muwaḥḥidīn*’ [i.e. monotheists].” ¹⁴⁴ Therefore, the believer is engaged in a conflict in which the battle lines are defined by the principles of *Tawḥīd* and *Shirk*. This reality can also be understood from the narration in which the Messenger of Allāh ﷺ said:

بعثت بالسيف بين يدي الساعة حتى يعبد الله وحده لا شريك له

¹⁴² *Sūrah al-Mā'idah* (5):51

¹⁴³ *Sūrah al-A'rāf* (7):16&17

¹⁴⁴ *Tafsīr Ibn Kathīr* (2/190)

"I was sent with the sword just before the Hour, until Allāh alone is worshipped without any partner." ¹⁴⁵

Jihād in the cause of Allāh ﷻ is thus the greatest expression of severing ties and freeing oneself from *Shirk* and the *Mushrikīn*. For the *Mujāhid* sacrifices his wealth and his life in order to eradicate *Shirk*, destroy its institutions, and to punish its people. This is the legacy of the last Messenger ﷺ, and the final judgement regarding the relationship between the people of *Tawhīd* and the people of *Shirk*. The fact that the last *Sūrah* to be revealed to the Prophet ﷺ was *Sūrah at-Tawbah* testifies to this reality, as Allāh ﷻ says in its opening verses:

﴿بَرَاءَةٌ مِنَ اللَّهِ وَرَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ
 ﴿١﴾ (إِلَى قَوْلِهِ) ﴿فَإِذَا أُنْسِلَخَ الْأَشْهُرُ الْحُرْمُ فَاقْتُلُوا الْمُشْرِكِينَ
 حَيْثُ وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَأَحْصُرُوهُمْ وَأَقْعُدُوا لَهُمْ كُلَّ
 مَرْصِدٍ إِن تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوْا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ
 إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾

Freedom [براءة] from [all] obligations [is declared] from Allāh and His Messenger to those of the Mushrikīn, with whom you made a treaty"...[until His statement]... So when the Sacred Months have passed, then kill the Mushrikīn wherever you find them, and capture them and besiege them, and lie in wait against them in each and every place of ambush. But if they repent, establish the Ṣalāh, and give the Zakāh, then leave their way free. Verily, Allāh is Oft-Forgiving, Most Merciful. ¹⁴⁶

It is therefore imperative for the Muslim to understand the nature of the struggle in which he is involved. He should not be deceived into thinking

¹⁴⁵ *Jāmi' aṣ-Ṣaghīr* (2828), (aka. *Sunan at-Tirmidhī*). Adh-Dhahabī declared it *Ṣaḥīḥ* in *Siyar 'Alām an-Nubalā* (15/509), as did Aḥmad Shākir in his *Takhrīj* of *Musnad Aḥmad*, and also by al-Albānī in his *Ṣaḥīḥ al-Jāmi'* (2831)

¹⁴⁶ *Sūrah at-Tawbah* (9):1-5

that the conflict between Islām and the so-called international community is about natural resources or *terrorism*. On the contrary, the disbelievers have made themselves perfectly clear about their aims and objectives. For instance, the British war criminal Tony Blair¹⁴⁷ declared that they, “Are fighting a war, but not just against terrorism but about how the world should govern itself in the early 21st century, about global values.”¹⁴⁸

During a security conference in Munich, former British Prime Minister David Cameron also stated that, “Islamist extremism is a political ideology supported by a minority. At the furthest end are those who back terrorism to promote their ultimate goal: an entire Islamist realm, governed by an interpretation of Sharia. Move along the spectrum, and you find people who may reject violence, but who accept various parts of the extremist worldview, including real hostility towards western democracy and liberal values”.¹⁴⁹

Hence, the conflict between Islām and the *outside world* is not about *terrorist* activity, it is a conflict in which the battle lines are defined by religious beliefs, ideology, and customs. It is a war of values that is being waged on a global scale. This is the nature of the war with which the believers are faced, it is an issue of whether the laws of *Tawhīd* govern the world polity or the principles of *Shirk* prevail. It is the same conflict during which Fir'awn persecuted Prophet Mūsā عَلَيْهِ السَّلَام and Banī Isrā'īl, in order to preserve the political, economic, and social order over which he presided, hence he said:

¹⁴⁷ In addition to being an ally of some of the most evil tyrants in the Middle East, this enemy of Islām is also guilty of committing mass atrocity crimes against innocent Muslim populations. Such unjust aggression against the *Ummah* pre-dates the illegal 2003 invasion of Iraq, which sealed the country's political, economic, and social devastation. Indeed, Blair is responsible for the death of half a million Muslim children who were subjected to barbaric economic sanctions during 1990s.

Denis J Halliday, who served as the UN's Humanitarian Coordinator in Iraq, described these sanctions as *genocidal* stating that, “We disregarded our own charter, international law, and we probably killed over a million people”. Outraged by the lies that Blair told to the British public in order to justify the 2003 invasion of Iraq, a third of those who took part in a poll conducted by [YouGov](#) expressed that Blair should be tried as a war criminal.

¹⁴⁸ Tony Blair, *An Arc of Extremism*, an address to the World Affairs Council in Los Angeles, 01 August, 2006

¹⁴⁹ PM's Speech at Munich Security Conference, 5 February, 2011

﴿ذُرُونِي أَقْتُلْ مُوسَى وَلْيَدْعُ رَبَّهُ إِنِّي أَخَافُ أَنْ يُبَدِّلَ
دِينَكُمْ أَوْ أَنْ يُظْهِرَ فِي الْأَرْضِ الْفَسَادَ﴾

***Leave me to kill Mūsā, and let him call upon his Lord!
Indeed, I fear that he may change your religion, or that
he may cause mischief to appear in the land!*** ¹⁵⁰

Imām Ibn Kathīr رَحِمَهُ اللهُ stated that, “Fir’awn was afraid that Mūsā would lead his people astray and change their ways and customs”.¹⁵¹ So, there is no difference between the campaign that Fir’awn waged against the Muslims of his time and the oppression that the contemporary Firā’inah¹⁵² unleash against the believers today. Thus the current Prime Minister of Britain Theresa May declared to the British public that “We are in the middle of a generational struggle against a deadly extremist ideology”. She continued by stating, “We will be engaged in this struggle for many years, probably decades. We must give ourselves all the legal powers we need to prevail”.¹⁵³

The *Mujāhid* is therefore required to acknowledge and understand that the nature of this conflict will not change, and that *Īmān* and *Kufr* cannot co-exist in an individual’s heart.¹⁵⁴ There is no neutral ground in this conflict, so one either belongs to the camp of *Īmān* or belongs to the camp of *Kufr*. Many countries, groups, and organisations who identify themselves as *Islamic* have failed to comprehend this reality, and consequently have joined the ranks of the disbelievers.

Some employ non-violent means, such as intellectual and media campaigns, in order to achieve the international community’s aims and objectives. On the other hand, others have either deployed their armed forces and security agencies, or have sponsored or formed militias in order to engage the soldiers of *Tawhīd* in combat zones across the world. The identities of such

¹⁵⁰ *Sūrah al-Ghāfir* (40):26

¹⁵¹ *Tafsīr Ibn Kathīr* (4/68)

¹⁵² The term *Farā’inah* is the plural form of the title *Fir’awn*

¹⁵³ The Telegraph, *Theresa May: New laws to tackle British jihadists*, 22 August, 2014

¹⁵⁴ This is supported by the *Ḥadīth* of Abū Hurayrah رَضِيَ اللهُ عَنْهُ who narrated that the Prophet ﷺ said, “*Īmān and Kufr does not combine in the heart of an individual.*” [*Shu’bul-Īmān* (8577) and *Silsilatus-Ṣaḥīḥah* (1050)]

individuals, groups, organisations, or states does not exempt them from the ruling of *Kufr*, effectively being legitimate targets for the *Mujāhidīn*, as Allāh ﷻ says:

﴿الَّذِينَ ءَامَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ
فِي سَبِيلِ الطَّاغُوتِ فَقَاتِلُوا أَوْلِيَاءَ الشَّيْطَانِ إِنَّ كَيْدَ الشَّيْطَانِ
كَانَ ضَعِيفًا﴾

Those who believe fight in the Cause of Allāh, and those who disbelieve fight in the cause of the Ṭāghūt. So fight the Awliyā' of Shayṭān; verily the plot of Shayṭān is feeble.¹⁵⁵

Inclining towards the disbelievers

The attitude of *Kufr* and its people is extremely hostile towards Islām and its adherents and, despite claiming to cherish and to promote values such as *mutual respect and tolerance of different faiths and beliefs*, the disbelievers will never cease their aggression against the believers until the latter abandon Islām. The disbelievers have coined various terms, such as *Islamism* and *extremism*, in an attempt to conceal their animosity towards the religion of truth and in order to create divisions in the ranks of the Muslims. Indeed, speaking of a campaign against *Islamist extremism*, as opposed to a war on Islām, is intended to pacify those who are considered to be *moderate Muslims* and to isolate those who refuse to conform to societal *norms* that are inimical to Islām. However, counter-extremism strategies such as the UK's PREVENT Strategy, as well as western foreign policy in general, clearly express the hatred that the disbelievers Harbour towards Islām and its people. For such Draconian laws and aggressive policies are not merely directed at what some may refer to as *a fringe group of radicalised Muslims*. Rather, they aim to demonise and outlaw even the most basic principles and values

¹⁵⁵ *Sūrah an-Nisā'* (4):76

of the religion, while criminalising and persecuting those who refuse to renounce them.¹⁵⁶

Indeed, despite the efforts that a number of Muslim groups and organisations have made to prove that they are *law-abiding citizens*, the enemy continues to vilify them and demands more compromise. Such concessions even include refraining from interpreting world events that affect Muslims objectively, and require Muslim communities to embrace the enemy's subjective narrative thereof. A recent report released by the Tony Blair Institute [TBI] clearly demonstrates this in its conclusions regarding five Muslim activist groups based in the UK. The report acknowledges that these groups "are neither violent nor encourage or incite violence by others nor act unlawfully in promoting terrorism". However, it accuses them of promoting "a worldview that significantly overlaps with that of a proscribed Islamist extremist organisation". It describes such worldview as one that "portrays Muslims as victims who are in a constant struggle against western oppression and a global anti-Muslim conspiracy".¹⁵⁷

David Cameron also displayed a similar intolerance towards Muslim communities that hold on to basic Islamic traditions and values, expressing his disapproval of societies that stand "neutral between different values". He asserted that a "genuinely liberal society does not say to its citizens as long as you obey the law we will just leave you alone". In conclusion, Cameron averred that a "genuinely liberal society says to its citizens this is what defines us as a society: to belong here is to believe in these things".¹⁵⁸ The Muslim should therefore acknowledge the fact that:

﴿وَلَنْ تَرْضَىٰ عَنْكَ الْيَهُودُ وَلَا النَّصَارَىٰ حَتَّىٰ تَتَّبِعَ مِلَّتَهُمْ﴾

¹⁵⁶ For instance, a senior Ofsted inspector accused an Islamic school in Britain of failing "to show proper respect for women", due to a female school governor choosing to sit "out of sight of the male governors in an adjacent room". In a statement released by the school, the woman in question stressed that her request to sit as she pleased was a way of "demonstrating the school's strong promotion of both Islamic and British values". However, the regulatory body insisted that the school displayed a lack of *proper respect for women*. [BBC News, Muslim female governor 'chose to sit apart from men', 25 November, 2015](#)

¹⁵⁷ *Narratives of Division: The Spectrum of Islamist Worldviews in the UK*, Tony Blair Institute for Global Change, 18 January, 2019

¹⁵⁸ PM's Speech at Munich Security Conference, 5 February, 2011

Never will the Jews or the Christians be pleased with you till you follow their Millah [i.e. their religion, laws and customs].¹⁵⁹

So it is no secret, the disbelievers are uncompromising in their hatred of Islām and are intolerant towards those who remain firm to its principles and values:

﴿وَلَا يَزَالُونَ يُقَاتِلُونَكُمْ حَتَّى يَرُدُّوكُمْ عَنْ دِينِكُمْ إِنِ
أَسْتَظْعُوا﴾

And they will never cease fighting you until they turn you back from your religion, if they are able to do so.¹⁶⁰

This is the nature of *Kufr* and its people, the *Mujāhid* must therefore bear this in mind should he be invited to *peace* negotiations and conferences by the disbelievers. The aim of such gatherings of deceit is but to extinguish the light of Islām and prevent its resurgence in the lands of the Muslims. From Geneva to Astana and from Astana to Sochi, the Muslims have repeatedly experienced nothing but treachery from the so-called world powers, due to the fact that “***With regard to a believer, they respect neither the ties of kinship nor of covenant!***”¹⁶¹

Indeed, nothing prevented the UN Member States from fulfilling their international obligations towards the oppressed Muslims of Myanmar, Yemen, East Turkistan and Syria other than their hatred of Islām and its people. This is a reality that they make no attempt to conceal, hence despite the mass atrocity crimes committed by the Assad regime against innocent Muslims, the disbelievers openly declare that, “If the extremism did not discolour and discredit the opposition – fracturing it and international support for change – then they could have had our support unqualified and absolute.”¹⁶²

¹⁵⁹ *Sūrah al-Baqarah* (2):120

¹⁶⁰ *Sūrah al-Baqarah* (2):217

¹⁶¹ *Sūrah at-Tawbah* (9):10

¹⁶² Tony Blair, *The Depth of the Challenge*, Centre on Religion & Geopolitics, 4 December 2015

Sadly, many have failed to acknowledge or understand the nature of the conflict between the camp of *Īmān* and the camp of *Kufr*. Consequently, in the name of *Siyāsah* [i.e. diplomacy], they have entered into agreements with the enemies of truth that not only betray the aims and objectives of the *Jihād*, but which also serve to advance and protect the interests of the disbelievers. The leaders of the *Jihād* must not forget that they bear a mighty burden: they are carrying an *Amānah* the likes of which was rejected by the heavens and the earth.

Those who occupy leadership positions within the Islamic resistance, as previously mentioned, have been entrusted with securing and protecting the *Maqāṣidush-Sharī'ah*, by waging *Jihād* against those who seek to violate them. Allāh's Religion is the most sacred of these sanctities, as it is His Right over mankind that He ﷻ Alone is worshipped and served on earth. Thus there can be no negotiations of peace that result in a compromise in this regard, as such concessions constitute a violation of *al-Barā' from Shirk and its people*. It is for this reason that Allāh ﷻ warned His Messenger ﷺ against inclining towards the wrongdoers, saying:

﴿وَإِنْ كَادُوا لَيَفْتِنُونَكَ عَنِ الَّذِي أُوحِيَآ إِلَيْكَ لِتَفْتَرِيَ عَلَيْنَا غَيْرَهُ ۖ وَإِذَا لَا تَخَذُوكَ خَلِيلًا ۖ وَلَوْلَا أَنْ ثَبَّتْنَاكَ لَقَدْ كِدَتْ تَرْكَنُ إِلَيْهِمْ شَيْئًا قَلِيلًا ۖ إِذَا لَأَذَقْنَاكَ ضِعْفَ الْحَيَاةِ وَضِعْفَ الْمَمَاتِ ثُمَّ لَا تَجِدُ لَكَ عَلَيْنَا نَصِيرًا ۖ﴾

Verily, they were about to tempt you away from that which We have revealed to you, in order that you fabricate something other than it against Us, and then they would certainly have taken you as an intimate friend! And had We not made you stand firm, you would nearly have inclined towards them a little. In that case We would have made you taste a double portion in this

***life and a double portion after death, then you would
have found none to help you against Us.*** ¹⁶³

The prohibition of compromising Allāh's Religion, in order to appease *Kufr* and its people, was revealed during the Makkan period of the Islamic call. It is important to note that fighting against the disbelievers during this stage of the mission was forbidden, despite the fact that the Muslims were weak, oppressed and ill-treated. Nevertheless, Allāh ﷻ commanded the believers during this period of hardships and trials to:

﴿اتَّبِعُوا مَا أُنْزِلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِن دُونِهِ
أَوْلِيَاءَ قَلِيلًا مَّا تَذَكَّرُونَ﴾

***Follow what has been sent down to you from your Lord,
and follow not any Awliyā' besides Him. Little is it that
you remember!*** ¹⁶⁴

Imām al-Qurtubī رحمه الله stated that the, “Meaning is that you should not worship anything besides Him, and nor should you take whosoever deviates from Allāh's Religion as a *Walī*. Anyone who is pleased with a particular *Madhhab* ¹⁶⁵ then the people of that *Madhhab* are his *Awliyā'*.” ¹⁶⁶ Following what had been revealed to the Messenger ﷺ, while turning away from the *Mushrikīn*, is therefore an expression of *al-Walā' wal-Barā'*. It is for this reason that despite the persecution that the believers were subjected to during this period, they were obliged to follow that which had been revealed to the Messenger ﷺ and to be patient with the harm that the disbelievers inflicted upon them. Indeed, they were not permitted to compromise the message and thus incline towards the disbelievers, as Allāh ﷻ said:

¹⁶³ *Sūrah al-Isrā'* (17):73-75

¹⁶⁴ *Sūrah al-A'rāf* (7):3

¹⁶⁵ The Arabic term *Madhhab* essential refers to a doctrine, adopted procedure, ideology, or school of thought.

Al-Jāmi'u li'Ahkāmīl-Qur'ān (7/142)

﴿فَاسْتَقِمْ كَمَا أُمِرْتَ وَمَنْ تَابَ مَعَكَ وَلَا تَطْغَوْا إِنَّهُ بِمَا
تَعْمَلُونَ بَصِيرٌ﴾ ١١٢ وَلَا تَرْكَبُوا إِلَى الَّذِينَ ظَلَمُوا فَتَمَسَّكُمْ
النَّارُ وَمَا لَكُمْ مِنْ دُونِ اللَّهِ مِنْ أَوْلِيَاءَ ثُمَّ لَا تُنصَرُونَ ﴿١١٣﴾

***So stand firm and straight as you have been commanded,
along with those who turn in repentance with you, and
transgress not. Indeed, He is All-Seer of what you do.
And incline not towards those who do wrong lest the Fire
should touch you, and you have no Awliyā besides Allāh,
nor would you then be helped.*** ¹⁶⁷

‘Alī bn. Abī Ṭalḥah said that Ibn ‘Abbās رضي الله عنه commented on Allāh’s statement “And incline not towards those who do wrong”, saying that it means “Do not compromise with them.” Ibn Jarīr reported that he رضي الله عنه also said that it means, “Do not incline towards those who do wrong.” ¹⁶⁸ Therefore, despite being a persecuted minority in Makkah who were forbidden to fight against their persecutors, the Muslims were obliged to remain steadfast in the face of *Kufr* and its supporters.

Seeking assistance from the disbelievers

Moreover, there has been much discussion about the permissibility of seeking assistance from the disbelievers in matters related to war, and whether it violates the principles of *al-Barā’* from *Shirk* and its people or not. Differences of opinion in relation to this issue is not a new development, rather the ‘*Ulamā*’ of the past also differed in this regard. Nevertheless, it is important to note that although a difference of opinion does exist regarding the permissibility of this act, there is a consensus that to seek aid from the disbelievers against the Muslims is an act of *Nifāq* [hypocrisy] and apostasy. For indeed, Allāh ﷻ says:

¹⁶⁷ *Sūrah Hūd* (11):112-113

¹⁶⁸ Refer to *Tafsīr Ibn Kathīr* (2/420)

﴿بَشِّرِ الْمُنَافِقِينَ بِأَنَّ لَهُمْ عَذَابًا أَلِيمًا ۝ الَّذِينَ يَتَّخِذُونَ
الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ أَبِيتُّوْنَ عَنْهُمْ الْعِرَّةَ
فَإِنَّ الْعِرَّةَ لِلَّهِ جَمِيعًا ۝﴾

*Give the hypocrites the tidings that for them there is a
painful torment. Those who take the disbelievers as
Awliyā' instead of the believers, do they seek honour with
them? Verily, then to Allāh belongs all honour.*¹⁶⁹

He ﷺ also says:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ
الْمُؤْمِنِينَ أَتُرِيدُونَ أَنْ تَجْعَلُوا لِلَّهِ عَلَيْكُمْ سُلْطَانًا مُبِينًا ۝﴾

*O you who believe! Do not take the disbelievers as
Awliyā' instead of the believers. Do you wish to offer
Allāh a manifest Sultān against yourselves?*¹⁷⁰

Imām Ibn Kathīr رحمه الله commented on this verse stating that:

“Allāh forbids His believing servants from taking the disbelievers as *Awliyā'* instead of the believers. This includes associating with them and being friends with them, advising them, being intimate with them and exposing the secrets of the believers to them. In another verse, Allāh said: *Let not the believers take the disbelievers as Awliyā' instead of the believers; and whoever does that will never be helped by Allāh in any way, except if you indeed fear a danger from them. And Allāh warns you against Himself,*¹⁷¹ meaning He warns you against His punishment if you fall into what He has prohibited. This is why Allāh said here, *Do you wish to offer Allāh*

¹⁶⁹ Sūrah an-Nisā' (4):138&139

¹⁷⁰ Sūrah an-Nisā' (3):144

¹⁷¹ Sūrah Āli 'Imrān (3):28

a manifest Sultān against yourselves meaning, proof against you that warrants receiving His torment.”¹⁷²

Indeed, seeking assistance from the disbelievers against the believers involves advising the former against the latter and revealing the secrets of the Muslims to the enemies of Islām. It is therefore an act that violates the principles of *al-Barā' from Shirk and its people* and nullifies *Īmān*, as was mentioned by Shaykh Muḥammad bn. ‘Abdul-Wahhāb رَحِمَهُ اللهُ in his treatise entitled *Nawāqidul-Islām*. As for seeking aid from the disbelievers against another group of disbelievers, it is in relation to the permissibility of this act that the ‘*Ulamā* have differed. Those who hold the opinion that it is not permissible base this position on the Prophet’s response to a *Mushrik* [polytheist] who sought to accompany the Muslim army. After inquiring whether he had embraced Islām or not and he replied in the negative, the Messenger of Allāh ﷺ said to him:

فارجع فلن أستعين بمشرك

“Go back! I will not seek assistance from a Mushrik.”¹⁷³

However, those who hold the opinion that it is permissible to accept help from the disbelievers against another group of disbelievers support their view with a number of other *Aḥādīth*, such as the narration in which it is stated that the Messenger of Allāh ﷺ sought help with Ṣafwān bn. Umayyah before the latter embraced Islām.¹⁷⁴ It is also narrated that the Prophet ﷺ said:

ستصالحون الروم صلحاً آمناً، ثم تغزون أنتم وهم عدواً من ورائكم

¹⁷² *Tafsīr Ibn Kathīr* (1/507)

¹⁷³ *Ṣaḥīḥ Muslim* (1817)

¹⁷⁴ Ṣafwān bn. Umayyah رَضِيَ اللهُ عَنْهُ narrated that the Messenger of Allāh ﷺ borrowed coats of mail from him on the day of [the battle of] Ḥunayn. He asked, “Are you taking them by force, O Muḥammad?” He replied, “No, it is a loan with a guarantee [of their return]”. Recorded in *Sunan Abī Dāwūd* (3562) and authenticated by Al-Albānī

“You [Muslims] will make a security pact with the Romans then, along with them, you will fight an enemy behind you.”¹⁷⁵

In this *Ḥadīth*, the Messenger of Allāh ﷺ informs the Muslims that the Romans will fight alongside them against a common enemy. However, he did not condemn this act, nor is there a prohibition in the *Shar’* forbidding such an alliance. It is based on such texts that some of the people of knowledge opine that to seek help with one group of disbelievers against another is permissible, although the majority stipulate conditions for such permissibility while others apply the texts in an unrestricted manner. For instance, *Imām* an-Nawawī رحمه الله commented on the Prophet’s statement, “Go back! I will not seek assistance from a Mushrik”,¹⁷⁶ stating that:

“It has been narrated in another *Ḥadīth* that the Prophet ﷺ sought assistance from Ṣafwān bn. Umayyah before he embraced Islām. So a group of ‘*Ulamā* understood this *Ḥadīth* to be unrestricted [in regards to its ruling]. However, ash-Shāfi’ī and others stated that if the disbeliever has good opinions about the Muslims, and there is a need to seek his help, then his assistance can be sought. If this is not the case, then it is disliked [to do so], and he applied the two *Ḥadīths* to these two situations.”¹⁷⁷

Whilst listing the lessons that can be deduced from the story of the treaty of Hudaibiyyah, *Imām* Ibn Qayyim رحمه الله observed, “that seeking help from a trustworthy *Mushrik*, while [waging] *Jihād*, is permissible if there is a need [to do so]. Because his [i.e. the Prophet’s] spy, [who was] from the Khuzā’ah tribe, was a disbeliever at that time.”¹⁷⁸ *Imām* Muḥammad bn Ismā’īl aṣ-Ṣan’ān’ī رحمه الله concluded that:

“The [various] narrations can be combined, by [either saying] the one who was turned back on the day of Badr he [i.e. the Prophet ﷺ] perceived in him that he desired [to embrace] Islām, so he turned him back in the hope that he would. Or [it could have been] that

¹⁷⁵ *Sunan Abī Dāwūd* (4292)

¹⁷⁶ *Ṣaḥīḥ Muslim* (1817)

¹⁷⁷ *Al-Minhāj Sharḥ al-Jāmi’ aṣ-Ṣaḥīḥ* (4/1921)

¹⁷⁸ *Zādul-Ma’ād* (2/126)

seeking help [from the disbelievers] was prohibited then it was permitted, and this is more plausible.”¹⁷⁹

Making al-Barā' from Muslims

The permissibility of seeking assistance from disbelievers, against another group of disbelievers, does not justify the *Mujāhidīn* becoming financially or militarily dependent upon those who have rejected the message of the Prophets ﷺ. This is because this will inevitably result in compromising the aims and objectives of the *Jihād*, as the Syrian case has clearly demonstrated. Hence, such support should ideally only be sought from the believers, as the relationship between Muslims is one based upon the principle of *al-Walā'*, which is the opposite of *al-Barā'*.

Furthermore, there are some situations in which the believer must declare himself to be free from another Muslim, should the latter commit an act of transgression or fall into disobedience. For instance, the Messenger of Allāh ﷺ said:

أنا بريء من كل مسلم يقيم بين أظهر المشركين

“I am free [بريء] from every Muslim who lives among the *Mushrikīn*.”

The people inquired, “Why, O Messenger of Allāh?” He ﷺ replied:

لا تتراعى ناراها

“Their fires should not be seen by each other.”¹⁸⁰

¹⁷⁹ *Subulus-Salām* (4/68)

¹⁸⁰ Abū Dāwūd in his *Sunan* (2645), *al-Jāmi' at-Tirmidhī* (1604). This does not mean that those Muslims who reside among the disbelievers are themselves disbelievers as a consequence thereof. For indeed, Allāh تعالى mentions two categories of believers in relation to *Hijrah*: those who have believed and then performed *Hijrah*, and those who have believed but who have failed to perform this noble deed. He declares those who have performed *Hijrah* free of any obligation towards those who remain in *Dārul-Kufr*, stating:

The Messenger of Allāh ﷺ thus freed himself from any obligation towards the Muslims who abandoned *Hijrah*, thereby giving preference to residing among the people of *Shirk*.¹⁸¹ It is important to note that *al-Walā'* and *al-Barā'* are acts of worship through which Allāh's Pleasure is sought. Therefore, the believer's relationship with others is based upon that which is pleasing to his Lord. This requires him to maintain a relationship of *al-Walā'* with those who pursue the Pleasure of *Ar-Raḥmān*, and to declare *al-Barā'* from those who draw upon themselves the anger of *al-Qaḥḥār*.

Hence, the *Mujāhidīn* are obliged to distance themselves from the mistakes and acts of transgressions that take place in the battlefield, and should not support those who are given to wrongdoing. Failure in this regard is not only contrary to seeking the Pleasure of Allāh ﷻ, but it places the aims and objectives of the *Jihād* in jeopardy. It is for this reason that when Khālīd bn Walīd رَضِيَ اللهُ عَنْهُ mistakenly killed some people from the tribe of Banī Jadhīmah, the Messenger of Allāh ﷺ raised his hands and implored his Lord, saying:

اللهم إني أبرأ إليك مما صنع خالد

“O Allāh! I Declare to You that I am free [أبرأ] from what
Khālīd has done.”¹⁸²

“Verily, those who believed, and emigrated and waged Jihād with their property and their lives in the cause of Allāh, as well as those who gave [them] asylum and help, these are [all] Awliyā to one another. And as for those who believed but did not emigrate, you owe no duty of protection to them until they emigrate, but if they seek your help in religion, then it is your duty to help them except against a people with whom you have a covenant [of peace]; and Allāh is the All-Seer of what you do.” [Sūrah al-Anfāl (8):72]

¹⁸¹ Those who are exempt from the obligation of *Hijrah*, due to a legitimate *Shar'ī* reason, are not considered sinful for their inability to perform this noble duty, as Allāh said [which means]: *“Except the Mustad'fīn [i.e. the weak and oppressed] among men, women and children, who cannot devise a plan nor are they able to direct their way. These are they whom Allāh is likely to forgive, and Allāh is Ever Oft-Pardoning, Oft-Forgiving.”* [Sūrah an-Nisā' (4):98] Imām An-Nawawī رَضِيَ اللهُ عَنْهُ says: “If the Muslim is weak in *Dārul-Kufr*, [and thus] is not able to openly practise the religion, it is *Ḥarām* for him to reside there and *Hijrah* to *Dārul-Islām* is obligatory upon him. However, if he is incapable to perform *Hijrah* then he is excused until he is able [to do so].” [Rawḍatut-Ṭālibīn (10/282)]

¹⁸² *Ṣaḥīḥ al-Bukhārī* (4339).

The *Mujāhidīn* may be confronted with a situation in which they are required to make *al-Barā'* from other groups who identify themselves as Islamic. Such may occur as a result of ideological differences, acts of transgression, or a conflict of interests, etc. However, this issue will be discussed soon, *In shā'Allāh*, under the chapter entitled *Preserving the Bond of Īmān*.¹⁸³

¹⁸³ For a more detailed discussion on the Islamic concept of *Al-Walā' wa'l-Barā'*, refer to the three-part book entitled *Al-Walā' wal-Barā'*, according to the *'Aqīdah of the Salaf*, by Shaykh Muḥammad Sa'īd al-Qahtānī, Al-Firdous Ltd, 1993

Prioritising the Maṣāliḥ of Jihād

من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله

*“Whoever fights so that the Word of Allāh is the highest, then
he is in the cause of Allāh.”*

Sahīh al-Bukhārī (2810)

The Arabic word *Maṣāliḥ* [مصلح] is the plural form of *Maṣlaḥah* [مصلحة], which means *exigency, benefit, interest, advantage, welfare*, etc. The opposite of *Maṣlaḥah* is *Mafṣadah* [مفسدة], a term used to describe a source of *corruption, perversion, depravity, or evil*. The term *Mafāsid* [مفاسد] is the plural form of *Mafṣadah*. The divine *Sharī'ah* revolves around securing and preserving the *Maṣāliḥ* of the slaves, and eradicating the *Mafāsid*, or at least limiting the harm thereof. Thus Allāh ﷻ described His noble Messenger ﷺ as someone who:

﴿يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ وَيُحِلُّ لَهُمُ
الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ
وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ﴾

***...commands them to do good and forbids them from
evil; he makes lawful for them the pure things, and
forbids them from the impure things, he releases them
from their heavy burdens and from the fetters that were
upon them.***¹⁸⁴

Thus, the *Maṣāliḥ* and the *Mafāsid* are determined by that with which the Messenger of Allāh ﷺ was sent, and it is for this reason that some have defined *as-Siyāsatush-Shar'iyyah* as “[The act of] guiding the people to their religious and worldly welfare [*Maṣāliḥ*] through the rulings of the Islamic *Sharī'ah*”. The *Maṣāliḥ* of mankind therefore can only be attained and preserved by strictly adhering to the Book of Allāh ﷻ and the *Sunnah* of His Messenger ﷺ. Deviance therefrom, in pursuit of one's desires, only results in corruption, perversion, depravity, and evil [*Mafāsid*], as Allāh ﷻ says:

﴿وَلَوْ أَتَبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَوَاتُ وَالْأَرْضُ وَمَنْ
فِيهِنَّ بَلْ أَتَيْنَهُمْ بِذِكْرِهِمْ فَهُمْ عَنْ ذِكْرِهِمْ مُعْرِضُونَ﴾

***And if the truth had been in accordance with their
desires, the heavens and the earth, and whosoever is***

¹⁸⁴ *Sūrah al-A'rāf* (7):157

***therein would indeed have been corrupted [لفسدت]! Nay,
We have brought them their reminder, but they turn away
from their reminder.***¹⁸⁵

Submission to the Book

Indeed, diverse are the opinions and desires of men, it is thus impossible to secure the general *Maṣāliḥ* of mankind and eradicate the *Mafāsīd* by following the dictates and whims of human beings. One only needs to take a glance at the politics of the disbelieving nations to fully appreciate this fact. For instance, in 2013 the divide in US politics had become so severe that the government itself could not function and had to endure a partial shutdown, due to the House of Representatives and Senate failing to agree upon the annual fiscal Federal Budget. Consequently, over 700,000 federal employees faced unpaid leave with no guarantee of any compensation. The former President of the United States Barack Obama lamented, stating that, “This shutdown was completely preventable. It should not have happened”, ... “And the House of Representatives can end it as soon as it follows the Senate’s lead, and funds your work in the United States Government without trying to attach highly controversial and partisan measures in the process”.¹⁸⁶ Indeed:

﴿بَأْسُهُمْ بَيْنَهُمْ شَدِيدٌ تَحْسَبُهُمْ جَمِيعًا وَقُلُوبُهُمْ شَتَّىٰ ذَٰلِكَ بِأَنَّهُمْ قَوْمٌ
لَّا يَعْقِلُونَ﴾¹⁸⁷

***Their enmity among themselves is very great. You would
think they were united, but their hearts are divided. That
is because they are a people who understand not.***¹⁸⁷

Nothing can unite the *Maṣāliḥ* of the people except their belief in Allāh ﷻ and His noble Messenger ﷺ, coupled with their unconditional submission to

¹⁸⁵ *Sūrah al-Mu'minūn* (23):71

¹⁸⁶ BBC News, *US begins government shutdown as budget deadline passes*, 1 October, 2013

¹⁸⁷ *Sūrah al-Ḥashr* (59):14

the divine revelation. The *Mujāhid*, in pursuit of his objectives, thus defines the *Maṣāliḥ* of his *Jihād* according to what has been decreed by Allāh ﷻ in His Book, as the Messenger ﷺ said:

من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله

“Whoever fights so that the Word of Allāh is the highest,
then he is in the cause of Allāh.”¹⁸⁸

Failure to define the *Maṣāliḥ* of *Jihād* in this manner will inevitably result in disunity among the Muslims, and will also prevent the realisation of the aims and objectives of this noble act of worship. *Shaykul-Islām* Ibn Taymiyyah رحمه الله eloquently highlighted this fact, when he said:

“And the religion of Islām [decrees] that the sword must follow the Book. So if knowledge of the Book and the *Sunnah* comes to light, and the sword follows that, the authority of Islām will be established. However, if the sword agrees with the Book sometimes and contradicts it at others, then the religion of whoever behaves in this manner will be according to that.”¹⁸⁹

The battle of Badr provides an excellent example that highlights the fact that the *Maṣāliḥ*, for which the *Mujāhid* strives, are determined only by Allāh ﷻ. Thus before the two armies met at the wells of Badr, the believers desired to capture the caravan of the Quraysh. However, Allāh ﷻ decreed that it would not be the case and that they would confront the forces of *Kufr* in battle as an alternative. He ﷻ mentions this desire of the believers and informs them that His Will was to prevail, stating:

¹⁸⁸ *Ṣaḥīḥ al-Bukhārī* (2810)

¹⁸⁹ *Majmū' al-Fatāwā* (20/393)

﴿وَإِذْ يَعِدُكُمُ اللَّهُ إِحْدَى الطَّائِفَتَيْنِ أَنَّهَا لَكُمْ وَتَوَدُّونَ أَنَّ
غَيْرَ ذَاتِ الشُّوْكَةِ تَكُونُ لَكُمْ وَيُرِيدُ اللَّهُ أَنْ يُحَقِّقَ الْحَقَّ
بِكَلِمَتِهِ وَيَقْطَعَ دَابِرَ الْكَافِرِينَ ﴿٧﴾ لِيُحَقِّقَ الْحَقَّ وَيُبْطِلَ
الْبَاطِلَ وَلَوْ كَرِهَ الْمُجْرِمُونَ ﴿٨﴾﴾

And [remember] when Allāh promised you one of the two parties, that it should be yours; you wished that the unarmed one should be yours, but Allāh willed to establish the truth by His Words and to cut off the roots of the disbelievers. That He may establish the truth and bring falsehood to nothing, even though the criminals hate it.¹⁹⁰

Thus Allāh ﷻ made it known to the believers that although they desired to capture the caravan, Allāh's Pleasure was to be found in other than that; and in this there is an admonition for those who seek nothing but Allāh's Grace:

﴿أَفَمَنْ أَتَّبَعَ رِضْوَانَ اللَّهِ كَمَنْ بَاءَ بِسَخَطٍ مِّنَ اللَّهِ وَمَأْوَاهُ
جَهَنَّمُ ۖ وَبِئْسَ لِمَصِيرٍ ﴿١٦٢﴾﴾

Is then one who follows the Pleasure of Allāh like the one who draws upon himself the Wrath of Allāh, and His abode is Hell? And worse indeed is that destination!¹⁹¹

Imām Ibn Kathīr رحمه الله commented on this noble verse stating, “This refers to those seeking that which pleases Allāh تعالى by obeying His Legislation, thereby earning His Pleasure and tremendous Rewards, while being saved from His severe Torment. This type of person is not similar to one who earns Allāh's Anger, has no means of escaping it and who will reside in *Jahannam* on the Day of Resurrection, and what an evil destination it is.”¹⁹²

¹⁹⁰ *Sūrah al-Anfāl* (8):7&8

¹⁹¹ *Sūrah Āli 'Imrān* (3):162

¹⁹² *Tafsīr Ibn Kathīr* (1/373)

A clash of Maṣāliḥ

The *Sharī'ah*, in its comprehensiveness and clarity, does not only specify the aims and objectives of fighting in the cause of Allāh ﷻ, but it also prioritises each *Maṣlahah* according to its level of importance. This is a mercy from *Ar-Raḥmān*, Who has not left the believers in a state of confusion regarding the aims of *Jihād* and how they are to be pursued.

According to the principles of *Fiqh* [Islamic jurisprudence], whenever a clash of *Maṣāliḥ* occurs then priority must be given to the most important thereof.¹⁹³ Therefore, when confronted with such a scenario, the *Mujāhid* must give preference to the most important *Maṣlahah* of the *Jihād*, even if this entails failing to acquire or safeguard a lesser one. This principle places an obligation upon the *Mujāhid* to possess knowledge of how to prioritise the *Maṣāliḥ* of *Jihād*, as stipulated in the divine Law.

Undeniably, the most important *Maṣlahah* of *Jihād* is the *Maṣlahah* of *Tawḥīd*. This is because it is Allāh's Right that He Alone should be worshiped, as it is for this purpose alone that the whole creation exists, and it is the primary reason behind the legislation of *Jihād*. Thus Allāh ﷻ says:

﴿وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ﴾^(٥٦)

And I created not the jinn and mankind except that they should worship Me.¹⁹⁴

He ﷻ also said:

﴿وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ لِلَّهِ فَإِنْ أَنْتَهُمْ فَلَا عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ﴾^(١٩٣)

¹⁹³ This principle is expressed thus, "In the occurrence of a clash of interests, priority is given to the greatest [thereof]; the converse is true regarding evil and harms". [قَدْ أَعْلَى لَدَى التَّرَاحِمِ فِي] [صَالِحٌ وَالْعَكْسُ فِي الْمَظَالِمِ]

¹⁹⁴ *Sūrah adh-Dhāriyāt* (51):56

And fight them until there is no more Fitnah and the religion is [all] for Allāh [Alone]. But if they cease, let there be no aggression except against wrongdoers/oppressors.¹⁹⁵

In relation to this verse, *Imām* Al-Qurṭubī رَحِمَهُ اللهُ says, “And it is an unrestricted command to fight; the disbelievers’ initiation [of hostilities] is not a precondition. The evidence for that is His تعالى Statement: ‘[until] the religion is [all] for Allāh’, and he عَلَيْهِ السَّلَام said: ‘I have been commanded to fight the people until they say there is none worthy of worship except Allāh’. Therefore the verse and the *Ḥadīth* indicate that the reason for fighting is *Kufr*, because He said: ‘until there is no more *Fitnah*’, meaning *Kufr*. Thus, He made the objective [of fighting] the non-existence of *Kufr*, and this is apparent [from the texts].”¹⁹⁶

It is therefore not permissible for the *Mujāhid* to give priority to any other *Maṣlaḥah* of the *Jihād* over the *Maṣlaḥah* of *Tawḥīd*, lest he exposes himself to the Wrath of his Lord Who says:

﴿قُلْ إِنْ كَانَ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَتُكُمْ وَأَمْوَالٌ اقْتَرَفْتُمُوهَا وَتِجَارَةٌ تَخْشَوْنَ كَسَادَهَا وَمَسَاكِنُ تَرْضَوْنَهَا أَحَبَّ إِلَيْكُمْ مِّنَ اللَّهِ وَرَسُولِهِ وَجِهَادٍ فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّى يَأْتِيَ اللَّهُ بِأَمْرٍ ۚ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ﴾

Say: If your Fathers, your sons, your brothers, your spouses, your kindred, the wealth that you have gained, the commerce in which you fear a decline, and the dwellings in which you delight are dearer to you than Allāh and His Messenger, and Jihād in His cause, then

¹⁹⁵ *Sūrah al-Baqarah* (2):193

¹⁹⁶ *Al-Jāmi' li' Ahkām al-Qur'ān* (2/723)

wait until Allāh brings about His decision [torment]. And Allāh does not guide the people who are rebellious.¹⁹⁷

Indeed, giving priority to the *Maṣāliḥ* of the religion over every other *Maṣlahah* is a principle of *Īmān*, as the Messenger of Allāh ﷺ said:

فوالذي نفسي بيده، لا يؤمن أحدكم حتى أكون أحب إليه من
والده وولده والناس أجمعين

*“By Him in Whose Hand is my soul, none of you believe unless I am more beloved to him than his Father, his children, and all of mankind.”*¹⁹⁸

The *Sīrah* of the Messenger ﷺ provides numerous examples of the believers giving priority to the *Maṣāliḥ* of the religion over all of the other *Maqāṣidush-Sharī'ah*; the treaty of Ḥudaybiyyah is but one example in this regard. This event occurred during the sixth year of the *Hijrī* calendar, when the Prophet ﷺ set out in the company of his *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ intending to perform 'Umrah. When he ﷺ reached Dhul-Hulayfah he had the sacrificial animals garlanded and marked and assumed the state of *Iḥrām*, so as to reassure the *Mushrikīn* that he did not intend a military engagement. He then sent several men from the tribe of Khuzā'ah to gather information for him about the Quraysh and then proceeded until he reached a place called 'Usfān.

It was at this place that his spies informed him about the activities of the enemy, who had gathered with the intention of preventing the Muslims from reaching the Sacred House. Upon receiving this information, the Messenger of Allāh ﷺ held a *Shūrā* meeting with the *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ the conclusion of which was to avoid confrontation unless obstructed from visiting the Sacred House in Makkah.¹⁹⁹ After out manoeuvring Khālīd bn. Walīd رَضِيَ اللَّهُ عَنْهُ and his

¹⁹⁷ *Sūrah at-Tawbah* (9):24

¹⁹⁸ *Ṣaḥīḥ al-Bukhārī* (14)

¹⁹⁹ While consulting the *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ in relation to this issue, the Messenger of Allāh ﷺ said [which means], “Give me your opinion, O people! Do you think we should attack the families and offspring of those who seek to prevent us from reaching the House? If they should come to us [for peace], then Allāh would have destroyed a spy from the *Mushrikīn*, or otherwise we will leave them in a miserable state.” Abū Bakr replied, “O Messenger of Allāh! You have marched out only intending to visit the House, not to kill anyone or start a

cavalry, the Messenger of Allāh ﷺ continued advancing until he reached the Thanīyah.²⁰⁰ At this point the she-camel of the Prophet ﷺ sat down. The people tried their best to cause her to rise, but it was in vain, so they began to say, “Al-Qaswā’ has become stubborn! Al-Qaswā’ has become stubborn!” The Prophet ﷺ said:

ما خلأت القصواء وما ذاك لها بخُلُق، ولكن حبسها حابس
الفيل

“Al-Qaswā’ has not become stubborn for stubbornness is not her habit, but she was stopped by He Who stopped the elephant.”

The Messenger of Allāh ﷺ then said to the Ṣaḥābah رَضِيَ اللَّهُ عَنْهُمْ:

والذي نفسي بيده لا يسألوني خطّةً يُعْظَمُونَ فيها حرّات الله
تعالى إلا أعطيتهم إياها

“By Him in Whose Hands is my soul, they will not ask me for anything that will exalt the sanctities of Allāh تعالى except that I will grant it to them.”

Indeed, the Prophet ﷺ was determined to preserve the sanctities of Allāh تعالى and made that his priority in what was to follow. The Quraysh eventually sent Suhayl bn. ‘Amr to the Messenger ﷺ in order to conclude a peace treaty between them and the Muslims, the conditions of which were to enrage some of the Ṣaḥābah رَضِيَ اللَّهُ عَنْهُمْ. For in addition to agreeing to the postponement of his visit to Makkah and acceding to Suhayl’s demand to write his name *Muḥammad bn ‘Abdullāh* as opposed to *Muḥammad the Messenger of Allāh*, the Prophet ﷺ consented to a condition that obliged him to return any Muslim who came to him from Makkah to the

war. Therefore, head towards it and whoever stands in our way, then we will fight him.” He ﷺ then said [which means]: “Proceed on, in the Name of Allāh.” [Ṣaḥīḥ al-Bukhārī (4178&4179)]

²⁰⁰ The term *Thanīyah* refers to a mountainous path that was along the route, and through which it was possible to advance on the Qurayah

Mushrikīn.²⁰¹ The Quraysh, however, were not obligated to return any Muslim that fled to them from Madīnah. This condition was extremely difficult for the Muslims to bear, as was evident from their statement, “*SubhānAllāh!* How can a person be returned to the *Mushrikīn* after he has become a Muslim?”

To make matters worse, while the *Ṣaḥābah* ﷺ were in this state, Abū Jandal bn. Suhayl bn. ‘Amr ﷺ came staggering in chains after fleeing from Makkah and fell down among the Muslims. Suhayl said, “O Muḥammad! This is the very first term with which we make peace with you, that is, you shall return Abū Jandal to me.” The Messenger of Allāh ﷺ pointed out that the agreement had not been written yet, but Suhayl retorted, “Then by Allāh, I will never conduct a peace pact with you.” The Prophet ﷺ insisted, saying to Suhayl:

فأجزه لي

“Release him to me.”

However, Suhayl was adamant on not granting the Prophet ﷺ his request and thus refused. At this point, Abū Jandal addressed the *Ṣaḥābah* ﷺ, appealing to their *Īmān*, “O, Muslims! Am I to be returned to the *Mushrikīn* although I have come [to you] as a Muslim?! Don’t you see how much I have suffered?!”²⁰² Indeed, this was a severe test for the believers, as can be understood from ‘Umar bn. Al-Khaṭṭāb’s reaction to the unfolding events.²⁰³

²⁰¹ The believing women were exempt from this agreement, as Allāh said [which means]: “*O you who believe! When believing women come to you as emigrants, examine them; Allāh knows best as to their Īmān, then if you ascertain that they are true believers, send them not back to the disbelievers. They are not lawful for the disbelievers nor are the disbelievers lawful for them. But give them [disbelievers] that which they have spent [on their Mahr].*” [Sūrah al-Mumtaḥinah:10] Thus it was not permissible to send them back to the *Mushrikīn*.

²⁰² Abū Jandal had been tortured severely by the *Mushrikīn* for the cause of Allāh ﷻ, whilst residing in Makkah. He later got himself released from the disbelievers and joined Abū Basīr, who had fled from the *Mushrikīn* earlier. They were also joined by those from Quraysh who embraced Islām and were persecuted as a result thereof while residing in Makkah. They continued to grow in number until they formed a strong group, and thereafter whenever they heard about a caravan of the Quraysh heading towards ash-Shām, they stopped it, attacked

The socio-political impact of the treaty

The sanctity of the Muslim's life and honour is well documented in the divine texts. For instance, the Messenger of Allāh ﷺ said:

أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمداً
رسول الله، ويقيموا الصلاة ويؤتوا الزكاة؛ فإذا فعلوا ذلك
عصموا مني دماءهم وأموالهم إلا بحق الإسلام وحسابهم على
الله

“I have been commanded to fight the people until they testify that none deserves to be worshipped except Allāh, and that Muḥammad is the Messenger of Allāh, and that they establish the Ṣalāh, and give the Zakāh. If they do that, then they safeguard their blood and their wealth from me, except for that which is the right of Islām, and their reckoning is with Allāh.” ²⁰⁴

However, as previously stated, the *Maṣlahah* of the religion takes precedence over all of the other *Maqāṣidush-Sharī'ah* and it was for this reason that the Messenger of Allāh ﷺ accepted the terms stipulated by the Quraysh, despite the harmful consequences that the agreement entailed for the Muslims residing in Makkah. That was because the treaty of Ḥudaybiyyah opened the door for what was later to be acknowledged as a great victory for Islām and the Muslims.

A number of factors testify to this reality, among which was the establishment of an environment wherein the people of the Arabian Peninsula were free to hear the Islamic message and choose between *Īmān* and *Kufr* without any fear of persecution. During this period the believers

and killed the disbelievers and took their wealth. [refer to *Ṣaḥīḥ al-Bukhārī* (2731) for more details regarding this story]

²⁰³ For more details about this incident refer to *Imām Ibn Qayyim's Zādul-Ma'ād* (2/116-136), or *Imām Ibn Kathīr's Al-Bidāyah wa'n-Nihāyah*, (3/ 336-350)

²⁰⁴ *Ṣaḥīḥ al-Bukhārī* (25), *Ṣaḥīḥ Muslim* (22)

had the opportunity to travel to previously unexplored areas and spread the *Da'wah*, resulting in many people embracing the call to *Tawhīd* and complete submission to Allāh ﷻ Alone. Moreover, in light of the articles of the treaty, the Quraysh had effectively given up their claim to exclusivity, in regards to religious and social leadership; as by merely entering into a peace pact with the Prophet ﷺ they had recognised the Muslims' political legitimacy.

This is something that the international community strives to prevent the believers from achieving, under the pretext of waging a *war on terrorism* and a campaign against *Islamist extremism*. For usage of the term *terrorism* often serves to demonise one's political opponent and deny them any legitimacy, as was pointed out by Michael Vlahos who argued that:

“Terrorism is an expression of conflict, much like a battle in a war. But war is a legalized conflict in which both parties recognise each other's political legitimacy, so negotiation is war's central process. In contrast, terrorism operates within a political construct in which one or both parties refuse to recognise the other's legitimacy. In fact one goal of a legitimate political entity fighting a political movement seeking legitimacy is to disallow negotiation. Terrorism and terrorist are thus significant legal instruments. Successfully labelling a group, a movement, or even a state as terrorist denies it political legitimacy. It can then be dealt with as a merely criminal organisation. One doesn't negotiate with criminals; one simply brings them to justice.”

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Thus, after the treaty of Hudaibiyyah the Quraysh began to deal with the Muslim community as a legitimate political entity that was entitled to its own social and religious order. And it is for this reason that Allāh ﷻ said:

﴿إِنَّا فَتَحْنَا لَكَ فَتْحًا مُبِينًا ۝﴾

²⁰⁵ Michael Vlahos, *Terror's Mask: Insurgency Within Islam*, Johns Hopkins University/Applied Physics Laboratory, May 2002 [Michael Vlahos is an author who previously directed the Security Studies program at The Johns Hopkins University School of Advanced International Studies and was Director of the State Department's Centre for the Study of Foreign Affairs]

Verily, We have given you a manifest victory. ²⁰⁶

Imām Ibn Kathīr رَحِمَهُ اللهُ stated that, “*‘Abdullāh bn. Mas’ūd* and other *Ṣaḥābah* said, ‘You consider the conquering of Makkah to be *al-Fath* [the victory], and while to us *al-Fath* is the treaty conducted at Ḥudaybiyyah.’ Jābir [bn. ‘Abdullāh] said, ‘We only considered *al-Fath* to be the day of Ḥudaybiyyah’.” ²⁰⁷ The Messenger of Allāh ﷺ was granted the wisdom and foresight to perceive that this was to be a great victory for Allāh’s Religion, and as such he accepted the conditions of the treaty stipulated by the *Mushrikīn* despite the resultant harm it entailed for the Muslims residing in Makkah. Ibn Qayyim رَحِمَهُ اللهُ derived a number of benefits from this incident and explained:

“That to make a peace treaty with the *Mushrikīn*, some of which entails injustice [or harm] to the Muslims, is permissible [in order to secure] a greater *Maṣlahah* and to repel what is more evil than it.” ²⁰⁸
In it [i.e. Ḥudaybiyyah] is the [act of] repelling the greater of two evils with the probability of the lesser of the two [occurring].” ²⁰⁹

Therefore, the *Maṣlahah* of the society at large takes precedence over the *Maṣlahah* of the individual; while the *Maṣlahah* of *Tawḥīd* is given priority over the *Maṣāliḥ* of the people, even if this entails harm for them. ‘Ubādah bn. aṣ-Ṣāmit رَحِمَهُ اللهُ narrated a *Ḥadīth* that highlights this important principle:

دَعَانَا النَّبِيُّ ﷺ فَبَايَعَنَا فَقَالَ فِيمَا أَخَذَ عَلَيْنَا أَنْ بَايَعَنَا عَلَى
الْسَّمْعِ وَالطَّاعَةِ، فِي مَنْشَطِنَا وَمَكْرَهٍ، وَعُسْرِنَا وَيُسْرِنَا وَأَثَرَةٍ عَلَيْنَا،
وَأَنْ لَا نَنَازِعَ الْأَمْرَ أَهْلَهُ إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا، عِنْدَكُمْ مِنَ اللَّهِ
فِيهِ بَرَهَانٌ

“The Prophet ﷺ called us and we gave him *Bay’ah* [pledge of allegiance]. So regarding that for which he took

²⁰⁶ *Sūrah al-Fath* (48):1

²⁰⁷ *Tafsīr Ibn Kathīr* (4/164)

²⁰⁸ This is a reference to the principle that states, “In the occurrence of a clash of interests, priority is given to the greatest [thereof]; the converse is true regarding evil and harms”.

²⁰⁹ *Zādul-Ma’ād* (2/129)

Bay'ah from us he said [it included] hearing and obeying, in our activeness and in that which we dislike, as well as in times of hardship and ease, even if someone is given preference over us. And for us not to dispute with the people of authority regarding the issue of leadership, unless you see clear *Kufr*, for which you have clear proof with you from Allāh.”²¹⁰

Thus, the Muslim is not to rebel against those in authority in order to secure his personal *Maṣlahah*, as this would result in greater evil, such as societal turmoil and the spilling of Muslim blood. However, should the ruler violate the sanctities of Allāh ﷻ by making the *Ḥalāl Ḥarām*, or the *Ḥarām Ḥalāl*, or by governing the servants of Allāh ﷻ with other than His *Sharī'ah*, then he is to be removed even if that leads to the spilling of blood. This is because not only does ruling by other than what Allāh ﷻ has revealed corrupt societies and violate the rights of the creation, it infringes upon that which is exclusive to the Creator: *Tawḥīd* in His *Ḥukm* [judgement, rule, decision, etc.] In relation to this *Ḥadīth*, *Imām* an-Nawawī quotes al-Qāḍī ‘Iyyād رَحِمَهُمُ اللَّهُ as saying:

“The scholars have a general consensus that the leadership should not be given to a disbeliever, and if *Kufr* should occur from him then he is to be removed.”... “Therefore, if *Kufr* and a change of the *Shar'* should occur from him, or an innovation, then he has exited the ruling of sovereignty and obedience to him is waived. And it is obligatory upon the Muslims to rise up against him and remove him and appoint a just *Imām*, if that is possible for them. If this cannot be carried out except by a group [of the believers], it is then mandatory upon them [i.e. that group]²¹¹ to remove the disbeliever.”²¹²

²¹⁰ *Ṣaḥīḥ al-Bukhārī* (7055&7056), *Ṣaḥīḥ Muslim* (1709)

²¹¹ The presence of a group of the believers who strive to establish the religion of Allāh ﷻ and to remove the evil that corrupts societies is a religious duty binding upon the Muslims, as Allāh says: **“Let there arise out of you a group of people inviting to all that is good, enjoining al-Ma'rūf [all that Islām orders] and forbidding al-Munkar [all that Islām has forbidden]. And it is they who are the successful.”** [Sūrah Āl ‘Imrān (3):104]

²¹² *Al-Minhāj Sharḥ al-Jāmi' aṣ-Ṣaḥīḥ* (6/440)

The necessity of prudence

Therefore the *Shar'* demands that the *Mujāhidīn* pay due attention to the issue of prioritising the *Maṣāliḥ* of *Jihād*, so as not to jeopardise a greater *Maṣlaḥah* for that which is of lesser importance. Indeed, it is not sufficient for the *Mujāhid* to restrict himself to considering the ruling of a given act, rather he must possess foresight and weigh up the possible consequences of his actions in the field of operations. Allāh ﷻ says:

﴿إِنَّا نَحْنُ نُحْيِي الْمَوْتَىٰ وَنَكْتُبُ مَا قَدَّمُوا وَآثَرَهُمْ وَكُلَّ شَيْءٍ
أَحْصَيْنَاهُ فِي إِمَامٍ مُّبِينٍ﴾

***We give life to the dead, and We record that which they
send before [them], and their traces [آثارهم] and all things
We have recorded in Imām Mubīn [a clear Book].***²¹³

The Arabic word *Athar* [أثر], which is the singular form of the word *Āthār* [آثار] that appears in this noble verse, literal means trace, impression, effect, etc. In commenting on this verse, Shaykh ‘Abdur-Raḥmān bn. Nāṣir as-Sa’dī رحمه الله said, “[and their *Āthār*], and that is the effects of good and the effects of bad that they have caused [through their actions] during their lifetime and after their death, as well as those actions that ensued as a result of their speech, actions, and affairs.”²¹⁴ So, the slave is responsible for both his actions and their consequences. It is thus necessary for the *Mujāhid* to look beyond the permissibility of his actions, or the impermissibility thereof, and consider the possible outcome of any act he intends to carry out in pursuit of the *Maṣāliḥ* of *Jihād*. This was the *Sunnah* of the Messenger of Allāh ﷺ, who refrained from executing the leader of the *Munāfiqīn* [i.e. the hypocrites], fearing the negative repercussions that such action would have in relation to the reputation of Islām and the Muslims.²¹⁵

²¹³ *Sūrah Yāsīn* (36):12

²¹⁴ *Taysīrul-Karīmīr-Raḥmān fī Taḥsīn Kalāmīl-Mannān* (p.661)

²¹⁵ It is narrated that when ‘Abdullāh bn. Salūl [the leader of the hypocrites] said, “They [the *Muhājirīn*] have summoned [each other] against us; so when we return to Madīnah, surely the more honourable will expel therefrom the less honourable.” Upon hearing this, ‘Umar bn. Al-Khaṭṭāb رحمه الله said, “Should we not kill this impure one, O Messenger of Allāh?” The Prophet

Moreover, the scholars of *Usūl* have divided the *Ḥarām* matters into two categories, the first of which includes those actions that are either inherently harmful, immoral, or evil [حرام لذاته]. Deeds such as murder, fornication, and theft fall into this category. The second category consists of those things which are either beneficial, moral, or good within themselves but inevitably result in harm or evil [حرام لغيره]. An example of this type of *Ḥarām* includes a proposal of marriage to a woman who has already been proposed to, as this would result in harming someone else and causing enmity between Muslims. The act of proposing to a woman is in itself permissible, however causing harm to others and creating enmity between the believers is *Ḥarām*, and it is for this reason that it is not permissible to make such a proposal to a woman already engaged in marital talks.

The issue of target selection

Hence, although an action may be permissible within itself, if performing it will jeopardise a more important *Maṣlaḥah*, or result in greater harm, then under such circumstances it would not be permissible to carry out this act. This principle also applies to the act of enjoining the good and forbidding the evil, of which *Jihād* in the cause of Allāh ﷻ is the apex. For indeed, the aim of enjoining the good and forbidding the evil is to attain the *Maṣāliḥ* of mankind and prevent the occurrence of the *Mafāsīd* among them. Hence, if performing this deed should lead to a greater evil than the *Mafṣadah* that one is trying to prevent or remove, it becomes impermissible to engage in this act. In this regard, *Shaykhul-Islām* Ibn Taymiyyah رَحْمَةُ اللَّهِ says:

“Although commanding [the good] and forbidding [the evil] implies attaining a *Maṣlaḥah* and repelling a *Mafṣadah*, that which contradicts it must be considered. So, if it causes the *Maṣāliḥ* to be lost or the occurrence of more *Mafāsīd*, then one is not ordered to perform it. Nay, it is impermissible [to perform it] if its *Mafṣadah* is more than its *Maṣlaḥah*.”²¹⁶

replied, “[No], lest the people should say that he [the Prophet] used to kill his companions.”
[*Ṣaḥīḥ al-Bukhārī* (3518)]

²¹⁶ *Majmū’ al-Fatāwā* (28/129)

Additionally, it is worth mentioning the importance of considering the value of an enemy target, as well as the probability of undesired results when carrying out operations against the disbelievers. For instance, although the basic rule is that it is permissible to violate the disbeliever's blood and wealth, driving a vehicle into a group of disbelievers indiscriminately on the streets of Europe, for example, yields very little if any benefit for the contemporary *Jihād*. On the contrary, such attacks often feed into the enemy's narrative and are used to implement otherwise opposed legislation, and to justify illegal acts of aggression against the Muslims in their lands. The believer should therefore always pursue that which will procure the maximum benefit for the *Ummah*, and thus seek to strike the foundations upon which global *Kufr* is established and maintained, as Allāh ﷻ says:

﴿قَدْ مَكَرَ الَّذِينَ مِنْ قَبْلِهِمْ فَأَتَى اللَّهُ بُنْيَانَهُمْ مِنَ الْقَوَاعِدِ
فَخَرَّ عَلَيْهِمُ السَّقْفُ مِنْ فَوْقِهِمْ وَأَتَتْهُمْ الْعَذَابُ مِنْ حَيْثُ لَا
يَشْعُرُونَ﴾²¹⁷

***Those before them indeed plotted, but Allāh struck at the
foundation of their building, thus the roof fell down upon
them from above them, and the torment overtook them
from directions they did not perceive.***²¹⁷

The foundations of global *Kufr*, in military terms, can be understood to be the enemy's moral and physical centres of gravity.²¹⁸ Determining the

²¹⁷ *Sūrah an-Nahl* (16):26

²¹⁸ The concept of *Centres of Gravity*, as it relates to war, was advocated by Carl von Clausewitz who said, "As a centre of gravity is always situated where the greatest mass of matter is collected, and as a shock against the centre of gravity of a body always produces the greatest effect, and further, as the most effective blow is struck with the centre of gravity of the power used, so it is also in War." [*On War*, 1832]

The *Mujāhid* should not make the mistake of perceiving centres of gravity to be certain characteristics, capabilities, or specific locations; rather they are dynamic and powerful physical or moral agents of action or influence that possess certain *characteristics* and *capabilities*, and benefit from a given *location* or terrain. It is equally important for the *Mujāhid* to appreciate the adversarial nature of centres of gravity, which makes them relevant only in relation to an opponent. That is to say, centers of gravity do not exist as separate entities within themselves; rather they are determined the predominant relations that exist

enemy's centres of gravity, and thereafter striving to either destroy or neutralise them, proves more effective in securing a decisive victory against the disbelievers [*In shā'Allāh*], as opposed to focusing one's efforts on killing groups of random individuals. Indeed, operating in this manner does not only yield the greatest *Maṣāliḥ* for the *Ummah*, but it falls in line with the *Sunnah* of Allāh ﷻ and is the execution of His command:

﴿فَقَتِلُوا أَيْمَةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ﴾^{١٢}

Then fight against the leaders of Kufr, for surely, their oaths are nothing to them, so that they may cease [their evil actions].²¹⁹

between both parties, as was indicated by Clausewitz who said: "That the great point is to keep the overruling relations of both parties in view. Out of them a center of gravity ... will form itself." [*ibid.*] Therefore, whenever two adversaries decide to engage in a conflict, thus employing physical and [or] moral strength against each other, it is *only* at that moment, and until the conflict comes to an end, that centers of gravity emerge and become [and remain] *active agents* of power.

²¹⁹ *Sūrah at-Tawbah* (9):12

Avoiding the Shubuhāt

فإذا رأيت الذين يتبعون ما تشابه منه، فأولئك الذين سمي الله فاحذروهم

“Thus, if you see those who follow that which is not entirely clear thereof, then they are those who Allāh has named; so, beware of them.”

Sahīh al-Bukhārī (4547)

The Arabic term *Shubuhāt* is the plural form of the word *Shubhah*, which linguistically means *ambiguity*, *obscurity*, or *equivocality*. However, according to the *Shar'* this term refers to "that which appears to be ambiguous or obscure; hence it is not known whether it is *Ḥalāl* or *Ḥarām*, true or false."²²⁰ A number of derivatives of this term appear in the divine texts, all of which convey the same or similar meaning. For instance, when the Jews were commanded to slaughter a cow they said to Prophet Mūsā عَلَيْهِ السَّلَامُ:

﴿قَالُوا أَذْغَ لَنَا رَبَّكَ يُبَيِّنَ لَنَا مَا هِيَ إِنَّ الْبَقَرَ تَشَبَهَ عَلَيْنَا
وَإِنَّا إِن شَاءَ اللَّهُ لَمُهْتَدُونَ ﴿٧٠﴾﴾

***Call upon your Lord for us to make plain to us what it is;
for verily, to us all cows are alike [Tashābaha]. And
surely, if Allāh wills, we will be guided.***²²¹

Thus the Jews claimed that since to them all cows were *Tashābaha* [alike], the command that they had been given was ambiguous and needed further clarification.²²²

Allāh has clearly specified the aims and objectives of *Jihād* and has also clarified its related rulings. Nevertheless, there are some matters the reality of which are unclear to many and therefore should be avoided, as the Messenger of Allāh ﷺ said:

إِنَّ الْحَلَالَ بَيْنَ وَ إِنْ الْحَرَامَ بَيْنَ وَبَيْنَهُمَا أُمُورٌ مُشْتَبِهَاتٌ لَا
يَعْلَمُهَا كَثِيرٌ مِنَ النَّاسِ، فَمَنْ اتَّقَى الشُّبُهَاتِ فَقَدْ اسْتَبْرَأَ لِدِينِهِ
وَعَرْضِهِ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ

²²⁰ *Al-Mu'jamul-Waṣīṭ*

²²¹ *Sūrah al-Baqarah* (2):70

²²² In reality this was not the case, they only intended to defy the noble Messenger Mūsā and to cause trouble. This is evident from the fact that after their excessive questioning "**they slaughtered it [i.e. the cow] though they were near to not doing so.**" [*Sūrah al-Baqarah* (2):71] *Indeed, nothing destroyed those who preceded this Ummah except their excessive questioning and opposition to their Prophets.* [Ṣaḥīḥ Muslim (1337)]

“Verily, the Ḥalāl is clear and the Ḥarām is clear, and between the two [there are some] unclear matters [Mushtabihāt], which are unknown to many people. So whoever avoids the Shubuhāt will safeguard his religion and his honour; while whoever indulges in the Shubuhāt falls into the Ḥarām.” ²²³

A clear path

This *Ḥadīth* indicates that there is absolutely no *Shubuhāt* regarding the *Ḥalāl* and *Ḥarām* matters, as Allāh ﷻ has clarified such matters. It also highlights that there are some issues the rulings of which are not clear to many and as such are categorised as *Shubuhāt*. Note that the Messenger of Allāh ﷺ did not say that the reality of such matters are not known to anyone; rather, he said that they “are unknown to many people”. *Imām* Ibn Rajab al-Ḥanbalī رحمه الله commented on this *Ḥadīth*, explaining that between the *Ḥalāl* and the *Ḥarām* there are some matters that are “obscure to many people, [thus they question] ‘are they from the *Ḥalāl* or the *Ḥarām*?’ As for those who are fully grounded in Knowledge, this is not obscure to them and they know to which category these things belong.” ²²⁴

It is therefore imperative for the *Mujāhid* to possess or acquire *Shar'ī* knowledge pertaining to *Jihād* and its related rulings. As a minimum requirement, he should be acquainted with the matters that have been clearly defined as either *Ḥalāl* or *Ḥarām*, as such knowledge is readily accessible from the Book and *Sunnah*. Thus Allāh ﷻ says:

﴿وَمَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّى يُبَيِّنَ لَهُمْ مَا يَتَّقُونَ إِنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ﴾⁽¹¹⁰⁾

And Allāh will never lead a people astray after He has guided them until He makes clear to them what they

²²³ *Ṣaḥīḥ al-Bukhārī* (52), *Ṣaḥīḥ Muslim* (1599)

²²⁴ *Al-Jāmi'ul-'Ulūm wa'l-Ḥikam*, (p.68)

should avoid. Indeed, Allāh is the All-Knower of everything. ²²⁵

Additionally, the Messenger of Allāh ﷺ said:

قد تركتكم على البيضاء، ليلها كنهارها لا يزيغ عنها بعدي إلا هالك

“I have left you on a clear path, its night is like its day, [and] none deviates from it after me except he who is destroyed.” ²²⁶

As for those matters that have not been clearly defined as either being *Halāl* or *Harām*, and thus appear unclear to most people, then such issues must be referred to the trustworthy people of sound knowledge, as the Messenger of Allāh ﷺ said that “*whoever avoids the Shubuhāt will safeguard his religion and his honour; while whoever indulges in the Shubuhāt falls into the Harām.*” ²²⁷ Moreover, the *Jihād* must be led by people of knowledge who not only possess the ability to derive rulings from the divine texts, according to the principles of Islamic jurisprudence, but who also witness the hardships and horrors of war first hand. This was the understanding of the *Salaf*, hence *Shaykhul-Islām* Ibn Taymiyyah quotes ‘Abdullāh bn. al-Mubārak and Ahmad bn. Hanbal رَحِمَهُمُ اللَّهُ as saying:

“If the people differ regarding anything, then consider what the people in the lands of *Ribāṭ* are upon. For indeed the truth is with them because Allāh says: ***As for those who strive hard for Our Sake, We shall surely guide them to Our Paths.***” ²²⁸

In fact the Shaykh also expressed that “In relation to the affairs of *Jihād*, it is compulsory to consider the opinion of the people of sound religion [and] who have experience in what the people are upon, as opposed to the people of religion who are overwhelmed by superficial contemplation of the religion. Their opinion should not be taken, neither should the opinion of the

²²⁵ *Sūrah at-Tawbah* (9):115

²²⁶ *Sunan Ibn Mājah* (45)

²²⁷ *Ṣaḥīḥ al-Bukhārī* (52), *Ṣaḥīḥ Muslim* (1599)

²²⁸ *Majmū‘al-Fatāwā* (28/442)

people of religion who have no experience in the worldly affairs [be taken].”
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Imāms of misguidance

So, knowledge of the religion is an indispensable provision that the *Mujāhid* must take along with him as he traverses the path of *Jihād*. Failure in this regard will inevitably result in one losing his way along the journey, subsequently failing to achieve the noble aims and objectives of this great act of worship. One should not forget that Shayṭān has sworn to lay in ambush against the son of Ādam as he traverses Allāh's straight path. He has sworn to attack them from every direction and will employ any means necessary to achieve his aim, as Allāh ﷻ said to him لعنه الله:

﴿وَأَسْتَفْزِرُ مَنِ اسْتَطَعْتَ مِنْهُمْ بِصَوْتِكَ وَأَجْلِبْ عَلَيْهِمْ
بِخَيْلِكَ وَرَجْلِكَ وَشَارِكْهُمْ فِي الْأَمْوَالِ وَالْأَوْلَادِ وَعِدْهُمْ وَمَا
يَعِدُهُمُ الشَّيْطَانُ إِلَّا غُرُورًا﴾²³⁰

And gradually fool those whom you can from among them with your voice, send your cavalry and your infantry against them, share with them in wealth and children, and make promises to them. But Shayṭān promises them nothing but deceit.²³⁰

The evil scholars and *Imāms* of misguidance are from among Iblīs' infantry whose role is to deceive the people with their voices and their pens. The harm that they inflict upon the *Ummah* is indeed tremendous and unrivalled; hence, the Messenger of Allāh ﷺ said:

وإني لا أخاف علي أمتي إلا الأئمة المضلين، فإذا وضع السيف
في أمتي لم يرفع عنهم إلي يوم القيامة

²²⁹ *Al-Fatāwā al-Kubrā* (4/609)

²³⁰ *Sūrah al-Isrā'* (17):64

“Verily, I do not fear anything for my nation other than
Imāms who misguide. Thus, whenever the sword is raised
 against my nation, it will not be lifted from them until the
 Day of Standing.”²³¹

The enemies of Islām acknowledge how effective the *Imāms* of misguidance can be, in hindering people from the path of Allāh ﷻ and in discrediting the *Mujāhid*'s cause. Thus in an attempt to extinguish the Light of Allāh that illuminates the hearts of the Muslims, they stipulate that, “This work has to be led by respected clerics and theologians within Islām who have the knowledge and credibility to provide the scriptural reasoning for peaceful co-existence”.²³² Such tactics have been adopted by the *Ṭawāghīt* who govern the Muslim lands for decades and has proven to be quite an effective tool against the *Mujāhidīn*.

However, while such criminals are generally easy to identify, due to either their affiliation with the disbelievers or their allegiance to the apostate regimes, some of the *Imāms* of misguidance are often more difficult to recognise. This is especially so if they are of those who have been classified as *Islamists* by the enemy, or are from among those who portray themselves as scholars and supporters of *Jihād*.

There are a number of ways through which such individuals can be exposed, nevertheless one of the simplest ways to identify them is by their reliance upon the *Mutashābihāt*²³³ to support their arguments and positions. Thus Allāh ﷻ says:

²³¹ *Musnad Aḥmad* and *ad-Dāramī* (1/70)

²³² Tony Blair, *The Depth of the Challenge*, Centre on Religion & Geopolitics, 4 December 2015

²³³ The *Muḥkamāt* are the verses that explain the abrogating rulings, the *Ḥalāl* and the *Ḥarām*, the limits, obligations, and that which should be believed in and implemented. As for the *Mutashābihāt* verses, they include the abrogated verses, parables, oaths, and what should be believed in, but not implemented. Refer to Ibn Kathīr's *Tafsīr* of *Sūrah Āli 'Imrān* (3):7 for further details regarding this matter.

﴿هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ ءَايَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ
الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ
مَا تَشَابَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ وَابْتِغَاءَ تَأْوِيلِهِ﴾

It is He Who has sent down to you the Book. In it are verses that are Muḥkamāt [entirely clear], they are the foundations of the Book; and others are Mutashābihāt [not entirely clear]. So as for those in whose heart there is a deviation they follow that which is not entirely clear [Tashābaha] thereof, seeking Fitnah, and seeking its meanings.²³⁴

While commenting on this noble verse, *Imām Ibn Kathīr* highlights the danger of following those who rely upon the *Mutashābihāt* to support their positions, stating, “They refer to the *Mutashābih* because they are able to alter its meanings to conform to their false interpretation, since the wordings of the *Mutashābihāt* encompass such a wide area of meanings. As for the *Muḥkam* [i.e. the clear] verses, they cannot be altered because they are clear, thus they constitute unequivocal proof against the misguided people.”²³⁵

Considering the masses

Therefore, in order to avoid falling into *Shubuhāt* while waging *Jihād* in the cause of Allāh one should shun those who base their positions on the *Mutashābihāt*, while turning away from the *Muḥkamāt*. This was the advice of the most truthful of mankind, as was narrated by the mother of the believers ‘Ā’ishah bint Abī Bakr (رضي الله عنها) that the Messenger of Allāh (ﷺ) recited the aforementioned verse, then said:

²³⁴ *Sūrah Āli ‘Imrān* (3):7

²³⁵ *Tafsīr Ibn Kathīr* (1/303)

فإذا رأيت الذين يتبعون ما تشابه منه، فأولئك الذين سمي الله
فاحذروهم

*“Thus, if you see those who follow that which is not
entirely clear [Tashābaha] thereof, then they are those
who Allāh has named; so, beware of them.”*²³⁶

In addition, it is important for the *Mujāhid* to interact with the masses in a manner that does not arouse suspicion about himself, his group, or its aims and objectives. That is to say, he should avoid statements and actions that will cause the people, particularly the Muslims who reside in his working environment, to fall into *Shubuhāt* regarding him and his mission. If for one reason or another such actions cannot be avoided, then he should clarify his mode of conduct to the masses prior to, or immediately after, such actions are carried out.

The Muslim has been warned against indulging in issues that fall into the realm of *Shubuhāt*, likewise he should not cause others to fall into such matters with his speech or actions, effectively being the cause of their misguidance. It is for this reason that when the Messenger of Allāh ﷺ was escorting his wife back home one night, after she came to visit him in the *Masjid*, he said to the two men who passed them by:

إنما هي صافية!

“She is Saḥīyah!”

Surprised at this, the two men glorified Allāh ﷻ as they would never think badly of the Prophet ﷺ. However, the Messenger of Allāh ﷺ explained that:

إن الشيطان يجري من ابن آدم مجرى الدم

*“Shayṭān circulates in the human body as blood does.”*²³⁷

²³⁶ *Ṣaḥīḥ al-Bukhārī* (4547)

²³⁷ *Ṣaḥīḥ al-Bukhārī* (7171)

Such was the keenness of Allāh's Messenger ﷺ to avoid drawing suspicion upon himself. Indeed, if anything that he said or did had the potential to cause people to harbour such thoughts or beliefs, he ﷺ would immediately clarify the issue so as to not allow his actions to be a source of misguidance.

The *Mujāhid* should thus take heed of this prophetic guidance and ensure that his speech and actions do not cause those whom he strives to protect to fall into deviance. Indeed, it is narrated that 'Alī bn. Abī Tālib رَضِيَ اللَّهُ عَنْهُ said, "Speak to the people according to that with which they are acquainted, would you like that Allāh and His Messenger should be denied?"²³⁸ Similarly, the *Mujāhid* should not be hasty in his judgement of the people, acting upon doubt and uncertainties. Rather, he is obliged to verify any information with which he has been provided, or has come across, and should clarify any *Shubhah* before acting. Failing in this regard can result in the violation of protected blood and wealth, as occurred on an occasion during the prophetic era resulting in the revelation of Allāh's statement:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا
لِمَنْ أَلْفَىٰ إِلَيْكُمْ السَّلَامَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَصَ الْحَيَاةِ الدُّنْيَا
فَعِنْدَ اللَّهِ مَغَانِمٌ كَثِيرَةٌ كَذَلِكَ كُنْتُمْ مِنْ قَبْلُ فَمَنَّ اللَّهُ عَلَيْكُمْ
فَتَبَيَّنُوا إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا﴾

***O you who believe! When you travel in the cause of Allāh
verify [the truth], and say not to anyone who greets you
with Salāms [the greeting of peace], 'You are not a
believer', seeking the perishable goods of the worldly life.
There is much more booty with Allāh. Even as he is now
so were you yourselves before, till Allāh conferred upon
you His Favours. Therefore, verify [the truth] Allāh is
Ever Well-Aware of what you do.***²³⁹

²³⁸ Ṣaḥīḥ al-Bukhārī: Kitābul- 'Ilm (127)

²³⁹ Sūrah an-Nisā' (4):94

Imām Ibn Kathīr رَحِمَهُ اللهُ narrates that, “Al-Bukhārī recorded that Ibn ‘Abbās commented, **and say not to anyone who greets you: ‘You are not a believer’**, ‘A man was tending his sheep and the Muslims caught up with him. He said, *as-Salāmu ‘alaykum.*’ However, they killed him and took his sheep. Allāh revealed the verse: **And say not to anyone who greets you with Salām: ‘You are not a believer; seeking the perishable goods of the worldly life.’** Ibn ‘Abbās said, ‘The goods of this world were those sheep’.”²⁴⁰

So, the believer is required to avoid the *Shubuhāt*, irrespective of the form in which they are presented, and is obliged to stay within the clearly defined matters. In adhering to this prophetic guidance, the *Mujāhid* does not only stand a chance of achieving the aims of the *Jihād*, but he also “*will safeguard his religion and his honour.*”²⁴¹ On the other hand, failure in this regard does not only jeopardise the *Maṣāliḥ* of *Jihād*, but also it will eventually lead to falling into the *Ḥarām* matters. Indeed, the Messenger of Allāh ﷺ warned this *Ummah* against indulging in those matters that fall in the realm of *Shubuhāt*, and strove until his death to clarify the path that leads to the Pleasure of Allāh ﷻ. Thus, it is upon the *Mujāhid* to remain firm upon the guidance of the Messenger ﷺ who said:

قد تركتكم على البيضاء، ليلها كنهارها لا يزيغ عنها بعدي إلا هالك

“I have left you on a clear path, its night is like its day,
[and] none deviates from it after me except he who is
destroyed.”²⁴²

²⁴⁰ *Tafsīr Ibn Kathīr* (1/478&479)

²⁴¹ *Ṣaḥīḥ al-Bukhārī* (52), *Ṣaḥīḥ Muslim* (1599)

²⁴² *Sunan Ibn Mājah* (45)

Balancing between Tafrīt & Ifrāt

﴿قُلْ يَٰٓأَهْلَ ٱلْكِتَٰبِ لَا تَغْلُواْ فِى دِينِكُمْ غَيْرَ ٱلْحَقِّ وَلَا تَتَّبِعُواْ أَهْوَآءَ قَوْمٍ قَدْ ضَلُّواْ مِن قَبْلُ وَأَضَلُّواْ كَثِيرًا وَضَلُّواْ عَن سَوَآءِ ٱلسَّبِيلِ ۖ﴾

Say: ‘O People of the Book! Exceed not the limits in your religion beyond the truth, and do not follow the vain desires of people who went astray before and who misled many and [themselves] strayed from the right path’.

Sūrah al-Mā'idah (5):77

From among the favours that Allāh ﷻ has bestowed upon this *Ummah* is that He has made it a balanced nation, one that He has described as being just, as it refrains from going from one extreme to the other. Thus He ﷻ says:

﴿وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ
وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا﴾

Thus We have made you a Waṣaṭ nation, that you may be witnesses over mankind and that the Messenger may be a witness over you.²⁴³

The word *Waṣaṭ* [وسط] literally means middle, centre, moderate, intermediate, etc. However, its meaning in this noble verse is just, as was explained by the Messenger of Allāh ﷺ who said:

يجيء نوح وأمته فيقول الله تعالى 'هل بلغت؟' فيقول 'نعم،
أى رب.' فيقول لأمته 'هل بلغكم؟' فيقولون 'لا، ما جاءنا من
نبي.' فيقول لنوح 'من يشهد لك؟' فيقول محمد وأمته.
فنشهد أنه قد بلغ، وهو قوله جل ذكره ﴿وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً
وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ﴾ والوسط العدل

“Nūḥ and his nation will come [on the Day of Resurrection], thus Allāh will ask [him], ‘Did you convey [the message]?’ He will reply, ‘Yes, my Lord!’ Then He will ask his nation, ‘Did he convey the message to you?’ They will reply, ‘No, no prophet came to us.’ Then He will ask Nūḥ, ‘Who will stand as witness for you?’ He will reply, Muḥammad and his nation. Thus we will bear witness that indeed he conveyed [the message]. That is [the meaning of] His statement: [Thus We have made you

²⁴³ *Sūrah al-Baqarah* (2):143

*a Waṣaṭ nation, that you be witnesses over mankind], and
al-Waṣaṭ means just.”²⁴⁴*

Therefore the quality of justice characterises the Muslim *Ummah*, whose mission is to establish and preserve the Rights of Allāh and the rights of His servants. It is this characteristic that makes it a balanced nation, as the act of being just necessitates impartiality and not unjustly leaning to one side or the other. Allāh ﷻ says:

﴿لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ
لِيَقُومَ النَّاسُ بِالْقِسْطِ وَأَنْزَلْنَا الْحَدِيدَ فِيهِ بَأْسٌ شَدِيدٌ وَمَنْفَعٌ
لِلنَّاسِ وَلِيَعْلَمَ اللَّهُ مَنْ يَنْصُرُهُ وَرُسُلَهُ بِالْغَيْبِ إِنَّ اللَّهَ قَوِيٌّ
عَزِيزٌ﴾

***Indeed, We have sent Our Messengers with clear proofs,
and revealed to them the Scripture and the Mīzān that
mankind may keep up justice. And We have sent down
iron wherein is mighty power, as well as many benefits
for mankind, that Allāh may test who it is that will help
Him and His Messengers in the unseen. Verily, Allāh is
All-Strong, All-Mighty.***²⁴⁵

The Arabic word *Mīzān* literally means *scales* or *balance*; however, according to *Mujāhid*, *Qatādah*, and others beside them, its meaning in this verse is *justice*. Thus being balanced and just can only be achieved by adhering to the Book of Allāh ﷻ and judging according to the *Sharī'ah* with which He has sent His Messenger ﷺ. Failing to fulfil this obligation results in falling into either *Tafrīt* or *Ifrāt*, characteristics that are contrary to being balanced and just.

The word *Tafrīt* [تَفْرِيط] is the verbal noun of *Farraṭa* [فَرَطَ], which literally means to abandon, forsake, or neglect. For instance, Allāh تعالى says:

²⁴⁴ *Ṣaḥīḥ al-Bukhārī* (3339)

²⁴⁵ *Sūrah al-Ḥadīd* (57):25

﴿مَا فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ﴾

We have not neglected [فرطنا] anything in the Book. ²⁴⁶

While speaking about the angels who accompany the angel of death, He ﷺ also said:

﴿وَهُمْ لَا يُفَرِّطُونَ﴾

...and they never neglect [يفرطون] their duty. ²⁴⁷

Tafrīt in relation to the *Shar'* can thus be defined as *completely neglecting*, or *falling short in*, one's religious duties. For the *Mujāhid* in particular, the consequences of falling into this error are dire, as the price of such shortcomings and negligence is not only paid in blood, but they also prevent the *Jihād* from achieving its objectives. The contemporary *Jihādī* movement has suffered many set-backs due to the Muslims falling into one form of *Tafrīt* or another. This problem has become more apparent in the Syrian *Jihād*, in which the *Ummah* has suffered a number of calamities as a direct result thereof.

The appointment of *incompetent leaders* to conduct the affairs of the *Jihād*, is an example of an act of *Tafrīt*, as it betrays the principles previously outlined in the chapter entitled *The Issue of Tawlīyah*. This grave error has led to numerous and major setbacks during the cause of waging *Jihād* in *Shām*, as well as the unnecessary loss of Muslim life. It resulted in entering into agreements that should have been rejected, the failure to prioritise the *Maṣāliḥ* of *Jihād* and the act of compromising its principles, relying upon the *Ṭawāghīt* for financial and material support to the extent that many battles were selected and fought in order to secure the national interests of one *Ṭāghūt* or another.

Such incompetence is also the cause of the failure to provide training programmes that focus not only on the Muslim's ability to pull a trigger, but that also aim to develop him spiritually and intellectually. In fact, the lack of

²⁴⁶ *Sūrah al-An'ām* (60):38

²⁴⁷ *Sūrah al-An'ām* (6):61

sound knowledge and understanding pertaining to issues of 'Aqīdah, rulings related to *Jihād*, Islamic work, and the nature of the conflict with which the *Ummah* is currently faced, is prevalent among the many of the *Mujāhidīn* in *Shām*. The result is that the *Jihād* in this blessed land is being waged by incompetent leaders and ignorant followers, and the consequences thereof are clear for all to see.²⁴⁸

As for the term *Ifrāt* [الإفراط], this refers to the act of going to extremes and committing excesses in matters pertaining to the religion, thereby going beyond the limits prescribed by the *Sharī'ah*. This was the cause of the misguidance and *Kufr* that the People of the Book fell into, hence Allāh ﷻ said:

﴿قُلْ يَا أَهْلَ الْكِتَابِ لَا تَغْلُوا فِي دِينِكُمْ غَيْرَ الْحَقِّ وَلَا تَتَّبِعُوا أَهْوَاءَ قَوْمٍ قَدْ ضَلُّوا مِنْ قَبْلُ وَأَضَلُّوا كَثِيرًا وَضَلُّوا عَنْ سَوَاءِ السَّبِيلِ﴾²⁴⁹

Say: 'O People of the Book! Exceed not the limits in your religion beyond the truth, and do not follow the vain desires of people who went astray before and who misled many, while they [themselves also] strayed from the right path'.²⁴⁹

Various forms of *Ifrāt* have often surfaced during the contemporary *Jihād*, causing the movement to suffer a number of major setbacks. The most

²⁴⁸ Irrespective of the incompetence of the leaders and the ignorance of the followers, the ruling in relation to the *Jihād* against the contemporary forces of *Kufr* is *Fard 'Ayn*, and as such cannot and should not be neglected. Indeed, Allāh تعالى says: **"March forth, whether you are light or heavy, and wage Jihād with your wealth and your lives in the cause of Allāh. This is better for you, if you but knew."** [Sūrah at-Tawbah (9):41] The Muslim is therefore obliged to march forth irrespective of the unfavourable conditions with which he may be confronted. His duty is to fight and incite, to enjoin the good and forbid the evil, and to educate and guide those around him, as Allāh تعالى says: **"Then fight in the cause of Allāh, you are not tasked [held responsible] except for yourself, and incite the believers."** [Sūrah an-Nisā' (4):84]

²⁴⁹ Sūrah al-Mā'idah (5):77

dangerous manifestations thereof relates to the issue of *Takfīr*.²⁵⁰ Between the Algerian experience in the 1990s and the contemporary *Jihād* taking place in the Middle East [Syria and Iraq] and West Africa [Nigeria in particular], the Muslim *Ummah* has suffered a great deal due to the excesses committed in this regard. Such examples include declaring *Takfīr* on individuals, groups, and whole populations based upon conjecture and *Shubuhāt*. Often such judgements have been hastily pronounced in relation to matters that fall within the scope of *Ijtihād*²⁵¹ or regarding issues in which differences of opinions are deemed acceptable.

Regrettably, this phenomenon has resulted in the unjustified spilling of Muslim blood, the plundering of their wealth, and the violation of their honour. This betrays the very principle of *Jihād*, as the blood, wealth, and honour of the Muslim are from among the *Maqāṣidush-Sharī'ah*; hence, the preservation thereof is one of the principal aims of the campaign. The cause of falling into this major error can often be put down to an act of *Tafrīt*, in regards to seeking sound Islamic knowledge. The absence of such knowledge has also caused many to fall into another form of *Ifrāt*:

²⁵⁰ The Arabic term *Takfīr* essentially refers to the act of declaring a Muslim to be a disbeliever, thereby permitting the spilling of his blood and the violation of his wealth. The declaration of *Takfīr* against a Muslim is justified only when he or she has fallen into one of the nullifiers of Islām, and thereafter all of the conditions of *Takfīr* have been satisfied and all of the impediments that prevent such a declaration are absent. Should this not be the case, then the excommunication of a Muslim is *Ḥarām* and is an act of great injustice for which one will be held accountable.

²⁵¹ The Islamic concept of *Ijtihād* is the act of exerting one's effort in order to acquire knowledge of Islamic rulings derived from the authentic Islamic sources. The person qualified to perform *Ijtihād* is called a *Mujtahid*. There are several conditions that must be satisfied before one is considered qualified to perform this act. Such prerequisites stipulate that one must possess:

- A sufficient level of knowledge of the Arabic language, which includes sound comprehension of its principles, grammar [النحو], morphology [الصرف], art of composition [البلاغة], etc.
- Sound knowledge of the Holy Qur'ān and its sciences.
- Knowledge of the *Sunnah*.
- Knowledge of the principles of Islamic jurisprudence.
- Knowledge of the issues upon which there is a consensus [الإجماع].
- Adequate knowledge of the *Maqāṣidush-Sharī'ah*, the reason [العلة] behind each Islamic ruling, and the *Maṣālih* of the people.

transgressing the limits in relation to respect and love for the leaders, scholars, and Imāms. This is one of the types of *Ifrāṭ* that the People of the Book fell into, causing them to associate partners with Allāh ﷻ Who said:

﴿اتَّخَذُوا أَحْبَارَهُمْ وَرُهَبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ﴾

*They [the Jews and Christians] took their rabbis and
their monks as lords besides Allāh.* ²⁵²

‘Adī bn. Hātim رَضِيَ اللَّهُ عَنْهُ, who was a Christian at the time, heard the Prophet ﷺ reciting this verse and said to him رَضِيَ اللَّهُ عَنْهُ “We do not worship them”. The Prophet ﷺ replied:

أليس يحرمون ما أحل الله فتحرمونه ويحلون ما حرم الله
فتحلونه؟

*“Don’t they make Ḥarām that which Allāh has made Ḥalāl
and you accept it, and don’t they make Ḥalāl that which
Allāh has made Ḥarām and you accept it?”*

‘Adī replied “Yes [we do]”. The Prophet ﷺ then said:

فتلك عبادتهم

“This is how you worshiped them.” ²⁵³

The ‘moderate’ Muslim

The consequences of such excesses in relation to respect and love are therefore grave, as it inevitably results in the act of associating partners with Allāh ﷻ in that which is exclusive to Him. Such was the *Shirk* into which the Jews and Christians fell; and how many times has some misguided scholar unjustifiably declared *Takfīr* on a Muslim, or a group of Muslims, thereby

²⁵² *Sūrah at-Tawbah* (9):31

²⁵³ *Al-Jāmi’ at-Tirmidhī* (3090), *Al-Bayhaqī* (1/116)

permitting that which Allāh has prohibited of the violation of blood, wealth, and honour? And how often has the *Ummah* witnessed the ignorant youth from among them blindly follow such *Imāms* of misguidance, and thus obey them in the permitting of the *Ḥarām* matters? Is this not the same crime that the People of the Book committed? Indeed, this was from among the greatest fears of the Messenger of Allāh ﷺ who said:

وإني لا أخاف علي أمتي إلا الأئمة المضلين

“Verily, I do not fear anything for my nation other than *Imāms that misguide*.” ²⁵⁴

The enemies of Islām are always ready to seize any opportunity to tarnish the image of Islām and to discredit the *Mujāhid*'s cause. Thus when the Muslims fall into such excesses and begin to slaughter each other, they say things such as:

“...fratricidal jihadis' indiscriminate violence against civilians contributes to a permissive moral code that allows for the killing of their own brothers-in-arms. Those who wilfully and wantonly justify the mass killing of innocent civilians will not find it difficult to turn their daggers on fellow rebels who purportedly violate notions of ideological purity.” ²⁵⁵

Between those who fall into *Tafrīt* and those who commit acts of *Ifraṭ* is the truly guided individual who maintains a balance between these two extremes. They neither act neglectfully, nor do they apply themselves in an excessive manner, rather they stay within the limits of the *Sharī'ah* thus pursuing the path of moderation. Such individuals are the true *moderate* Muslims, as they refrain from anything that falls short of the divine limits, or that transgresses them. They are not of those who disregard such limits, as

²⁵⁴ *Musnad Aḥmad and ad-Dāramī* (1/70)

²⁵⁵ Mohammed Hafez, *Why Jihadis Lose: Fratricidal jihadis fail to learn from their mistakes*, CTCSENTINEL, November 2017, Vol.10, Issue 10

such mode of conduct is in essence a clear manifestation of *extremism*.²⁵⁶ It is them about whom Allāh ﷻ says:

﴿وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ
وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا﴾

Thus We have made you a Waṣaṭ nation, that you may be witnesses over mankind and that the Messenger may be a witness over you.²⁵⁷

²⁵⁶ This definition of the term *extremism* is not only free from subjectivity, but is also clear, balanced, and just. It does not judge people according to the *customs* and *values* of a particular group of people; rather the criterion being used here is none other than the Scales of *Ar-Raḥmān* the Lord of all that exists.

²⁵⁷ *Sūrah al-Baqarah* (2):143

The Vanguard of the People

﴿كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ
الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ﴾

***You are the best of peoples ever raised up for mankind; you
enjoin the Ma'rūf and forbid the Munkar; and you believe in
Allāh.***

Sūrah Āli 'Imrān (3):110

Since “the purpose for sending the Messengers and revealing the Books is so that mankind may establish justice, regarding Allāh's Rights, as well as the rights of His mankind,”²⁵⁸ it must be concluded that *Mujāhid's* cause is a noble one. For *Jihād* aims to destroy the authority and power of the tyrannical governments and institutions that oppose the divine law, thereby serving as instruments of tyranny and oppression. This was understood by Rabī' bn. 'Āmir رضي الله عنه, so upon being asked by Rustum, who was the Commander-in-Chief of the Persian forces, about his mission he replied:

“Allāh has sent us to deliver whoever He wills, from among His slaves, from the worship of the slaves to the worship of the Lord of the slaves, from the narrowness of the worldly life to its vastness, and from the injustice of other religions to the justice of Islām. He sent us to His creation with His Religion in order to invite them to it. So, whoever accepts that we will accept it from him and we will refrain from [fighting] him. While whoever refuses, we will fight him endlessly until we attain that which Allāh has promised.”²⁵⁹

In this manner Rabī' bn. 'Āmir رضي الله عنه clarified that *Jihād* is the means through which oppression is eradicated and justice is established and maintained. Hence, the Messenger of Allāh ﷺ described the *Imām*²⁶⁰ as a shield from behind whom fighting is performed and through whom protection is gained.²⁶¹ Sadly, in the absence of the *Khilāfah* system of governance the Muslims have lost the protection that the state provides. The international institutions that advocate world peace, and that are promoted as the defenders of human rights, have failed to prevent or halt the acts of genocide, war crimes, ethnic cleansing, and crimes against humanity to which innocent Muslim populations and communities are systematically subjected. This is despite the fact that the international community formally adopted the responsibility to protect [R2P] populations against such mass atrocity crimes during the 2005 United Nations [UN] World Summit.²⁶²

²⁵⁸ *Majmū' al-Fatāwā* (28/263&264)

²⁵⁹ *Al-Bidāyah wa 'n-Nihāyah* (5/286)

²⁶⁰ The term *Imām* here refers to the general Muslim ruler, i.e. the *Khalīfah*.

²⁶¹ *Ṣaḥīḥ Muslim* (1841)

²⁶² It was during this World Summit that the heads of State and Government of United Nations Member States assembled and formally adopted the responsibility to protect

However, the UN Security Council [UNSC] has consistently shown that it does not serve to protect the lives, wealth, and honour of the Muslims. On the contrary, the implementation of R2P is considered on a case-by-case basis following an evaluation of the respective interests of the five permanent members [P.5] of the UNSC. The P.5 reserve the *right* to veto any resolution endorsed by the rest of the council, should such a notion serve as an obstacle to procuring the national interests of any of the members of this *select* group.

The Syrian conflict is the most recent example of such abuse of power, which has led to the death of hundreds of thousands of Muslims and the forced displacement of millions. Indeed, the veto-wielding P.5 have rendered the UNSC impotent in the face of the mass atrocity crimes committed against the Muslims of Syria. Former French foreign minister Laurent Fabius expressed disappointment in this regard, stating that:

“For a long time, the Security Council, constrained by vetoes, was powerless in the face of the Syrian tragedy. Populations were massacred and the worst scenario unfolded as the regime implemented large-scale use of chemical weapons against children, women, and other civilians. For all those who expect the United

populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. R2P [i.e. the responsibility to protect] is based upon three fundamental pillars, which are documented in paragraphs 138 and 139 of the 2005 World Summit Outcome Document:

1. The responsibility of each state to protect its population from the four aforementioned crimes and violations, and their incitement. The state should neither commit such mass atrocity crimes nor allow them to occur.
2. The international community's duty to encourage and assist states in exercising this responsibility, and in building their protection capacities.
3. The obligation of the international community to be prepared to take collective action, when a state is *manifestly failing* to protect its population from the four specified crimes, in a *timely and decisive manner*, including ultimately with coercive military force if that is authorised by the UNSC.

That the UN's R2P has failed miserably to protect not only Muslim populations, but also those whose protection is not in line with the interests of the P.5, is quite evident to anyone who has been observing events around the globe over the past decade. For information regarding R2P from an Islamic perspective, refer to our forth-coming article entitled, *The Muslim & the Islamic Responsibility to Protect [R2P]*.

Nations to shoulder its responsibilities in order to protect populations, this situation is reprehensible.”²⁶³

Kofi Annan, who once served as the Secretary-General of the UN, stated that, “If the collective conscience of humanity ... a conscience which abhors cruelty, renounces injustice and seeks peace for all peoples ... cannot find in the United Nations its greatest tribunal, there is a grave danger that it will look elsewhere for peace and for justice”.²⁶⁴ The UN’s consistent failure to protect Muslim populations from the abuses committed against them, by those whose responsibility it is to protect them, serves but as empirical evidence that *Jihād* is the only refuge in which the weak and oppressed can find shelter. Thus Allāh ﷻ says to His believing slaves:

﴿وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ
الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ
الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَّنَا مِن لَّدُنكَ وَلِيًّا وَاجْعَل لَّنَا مِن
لَّدُنكَ نَصِيرًا﴾

***And what is the matter with you that you fight not in the
cause of Allāh and for those weak, ill-treated, and
oppressed among men, women, and children, whose cry
is ‘Our Lord! Rescue us from this town whose people are
oppressors; and raise for us from You one who will
protect, and raise for us from You one who will help’.***²⁶⁵

This noble verse indicates that *Jihād* has been made mandatory upon the believers in order to liberate the oppressed. So, as long as the tyrants continue to unleash oppression against the servants of Allāh ﷻ fighting against them remains an obligation, as “The ruling revolves around the reason for issuing it”. Therefore, “The absence of the *Imām* should not delay

²⁶³ Laurent Fabius, *A Call for Self-Restraint at the U.N.*, The New York Times, 4, October 2013

²⁶⁴ Former Secretary-General Kofi Annan, while presenting his annual report in an address to the 54th session of the UN General Assembly, September 1999

²⁶⁵ *Sūrah an-Nisā’* (4):75

Jihād, as the benefit of *Jihād* will be lost if it is delayed”.²⁶⁶ Indeed, the non-existence of the Islamic state only demonstrates the urgent need for *Jihād* and intensifies the obligation to perform it, as Allāh ﷻ says:

﴿وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ
وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ﴾^(١١٤)

***Let there arise out of you a group of people inviting to all that is good, enjoining al-Ma'rūf [all that Islām orders] and forbidding al-Munkar [all that Islām has forbidden].
And it is they who are the successful.***²⁶⁷

In the absence of the *Imām*, the *Mujāhid* is compelled to wage *Jihād* without the support of a legitimate Islamic state, and in effect operates behind *enemy lines* until he can secure territory. In this context he is often compelled to adopt guerrilla warfare tactics in the lands of the original disbelievers, as well as in the Muslim lands against the apostate rulers and their supporters. In the latter case, it is imperative for the *Mujāhidīn* to employ every possible measure to avoid the spilling and violation of the blood, wealth, and honour of the Muslim population. For just as the absence of the *Imām* does not nullify the obligation of *Jihād*, likewise it does not change the objectives thereof, namely the safeguarding of the *Maqāsidush-Sharī'ah*.

The reformer and populace support

Moreover, in order to achieve true success the *Mujāhid* must strive to convince the people that he is the answer to their prayers, thereby winning their love, affection, and support. The Muslim masses must believe with certainty that the *Mujāhid* fights in order to safeguard their religion, their lives, wealth, and honour. They must be assured that he desires nothing but good for them, and their hearts must be filled with confidence that he bears

²⁶⁶ Ibn Qudāmah, *al-Mughnī* (9/166)

²⁶⁷ *Sūrah Āli 'Imrān* (3):104

arms solely for the purpose of freeing them from the injustice and ignominy imposed upon them by the regimes of tyranny.

As Rabī' bn. 'Āmir رَضِيَ اللَّهُ عَنْهُ said to Rustum, Allāh has sent the *Mujāhid* "to deliver whoever He wills, from among His slaves, from the worship of the slaves to the worship of the Lord of the slaves, from the narrowness of the worldly life to its vastness, and from the injustice of other religions to the justice of Islām".²⁶⁸ It is for this reason that Allāh ﷻ says:

﴿كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ
عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ﴾

*You are the best of peoples ever raised up for mankind;
you enjoin the Ma'rūf and forbid the Munkar, and you
believe in Allāh.*²⁶⁹

The *Mujāhid* is therefore a religious and social reformer who fights in response to the cry of those who implore their Lord, saying, ***"Our Lord! Rescue us from this town whose people are oppressors; and raise for us from You one who will protect, and raise for us from You one who will help"***.²⁷⁰

It is imperative for the *Mujāhid* to understand this reality, as religious and social reform is the purpose for which the Messengers عَلَيْهِ السَّلَام were sent and is therefore the principle aim of the *Jihād*. Secondly, the philosophy behind guerrilla warfare states that "the guerrilla band is an armed nucleus, the fighting vanguard of the people. It draws its great force from the mass of the people themselves".²⁷¹ Popular support is therefore critical to the success of not only popular uprisings, but also guerrilla activity.

For the *Mujāhidīn* operating as a guerrilla force, or who form the basis of a popular armed resistance movement, failure to comprehend this concept and

²⁶⁸ *Al-Bidāyah wa 'n-Nihāyah* (5/286)

²⁶⁹ *Sūrah Āli 'Imrān* (3):110

²⁷⁰ *Sūrah an-Nisā'* (4):75

²⁷¹ Ernesto "Ché" Guevara, *Guerrilla Warfare*, 1961

its guiding principles inevitably results in defeat. For indeed, Allāh ﷻ said to the Prophet ﷺ:

﴿هُوَ الَّذِي أَيْدَكَ بِنَصْرِهِ وَبِالْمُؤْمِنِينَ﴾

He it is Who has supported you with His help and with the believers.²⁷²

Populace support is therefore one of the worldly means through which Allāh ﷻ aids the *Mujāhidīn*. It is thus important for the believer to avoid speech and actions that hinder such support, and to follow the guidance contained in the *Ḥadīth* in which the Messenger ﷺ says:

اتق الله حيثما كنت وأتبع السيئة الحسنة تمحها، وخالق الناس بخلق حسن

*“Have Taqwā of Allāh wherever you are; follow a bad deed up with a good one, it will wipe it out, and deal with people in a good manner.”*²⁷³

This noble *Ḥadīth* summarises the underlying principles of the *Mujāhid*'s interaction with the Muslim population in three simple directives, the first of which is to have *Taqwā* of Allāh. Sulaymān bn. Buraydah narrated from his father رَضِيَ اللَّهُ عَنْهُ that whenever the Messenger of Allāh ﷺ appointed a commander over the army, or a unit thereof, he would exhort him specifically to have *Taqwā* of Allāh تعالى. Ibn Rajab al-Ḥanbalī رَضِيَ اللَّهُ عَنْهُ said, “The slave's *Taqwā* of his Lord is that he places between himself and that which he fears from his Lord of His Anger, His Wrath, and His Punishment, protection that shields him from that. And that [protection] is to obey His commands and abstain from His prohibitions”.²⁷⁴

²⁷² *Sūrah al-Anfāl* (8):62

²⁷³ *Jāmi' at-Tirmidhī* (1987)

²⁷⁴ *Jāmi' ul- 'Ulūm wa 'l-Ḥikam* (p.156)

Husnul-Khuluq

A sign of the *Mujāhid's* *Taqwā* of his Lord is that he shows concern for the welfare of the Muslims and thus employs every measure at his disposal to ensure their safety. He looks beyond the *Shar'ī* ruling of his actions and gives thought to the possible results thereof, out of fear of violating the sanctity of the Muslim's blood, wealth, and honour. For indeed:

كل المسلم علي المسلم حرام؛ دمه، وماله، وعرضه

*“All of the Muslim is Harām upon the Muslim, [this includes] his blood, his wealth and his honour.”*²⁷⁵

In the event of the unfortunate occurrence of a Muslim being harmed or killed due to the actions of the *Mujāhid*, the *Jamā'ah* hastens to restore the rights of those concerned, and does not delay the payment of blood-money if required. Likewise, should a member of the *Jamā'ah* unjustly transgress against any member of the population, the *Mujāhidīn* should not hesitate to bring such individuals to justice, even if it requires carrying out a prescribed punishment upon the transgressor. All of this is included in the Messenger [ﷺ]'s statement:

وأتبع السيئة الحسنة تمحها

*“...and follow a bad deed up with a good one, it will wipe it out.”*²⁷⁶

Moreover, such mode of conduct demonstrates the noble character of the believer and aids in acquiring the love and support of the Muslim population. The believers in general have been enjoined to adorn themselves with *Husnul-Khuluq*, however the *Mujāhid* in particular must pay special attention in this regard. For actions speak louder than his words, hence the population will judge the *Mujāhid* by his actions more than by what he says or claims. So the manner in which the members of the *Jamā'ah* conduct themselves will influence the people's perception not only of the *Mujāhidīn*, but also of

²⁷⁵ *Ṣaḥīḥ Muslim* (2564)

²⁷⁶ *Jāmi' at-Tirmidhī* (1987)

the *Jihād* itself. It is therefore imperative for the *Mujāhid* to adhere to the Prophet's advice to follow a bad deed up with a good one:

وخالق الناس بخلق حسن

“...and deal with people in a good manner.”²⁷⁷

Husnul-Khuluq is actually a characteristic of *Taqwā*, so mentioning it after commanding the believers to have *Taqwā* of Allāh ﷻ only serves to highlight its importance. While commenting on the Prophet's statement “*And deal with people in a good manner*”, Ibn Rajab al-Ḥanbalī رحمه الله explained that, “*Taqwā* cannot be perfected without it. It is only mentioned specifically due to the need to clarify it, as many people think that *Taqwā* is [an act of] establishing Allāh's rights with the exclusion of the rights of His slaves. So He specified the command to observe *Ihsān* in [one's] relations with people”.²⁷⁸ Ibn Qayyim رحمه الله also highlighted the wisdom behind mentioning *Husnul-Khuluq* alongside *Taqwā*, stating:

“The Prophet ﷺ combined between *Taqwā* of Allāh and *Husnul-Khuluq* because *Taqwā* of Allāh rectifies that which is between the slave and his Lord, while *Husnul-Khuluq* rectifies what is between him [the slave] and His [Allāh] servants. So, *Taqwā* of Allāh grants him Allāh's love, while *Husnul-Khuluq* causes the people to love him.”²⁷⁹

Thus a *Mujāhid* adorned with *Taqwā* of Allāh ﷻ and *Husnul-Khuluq* is loved by his Lord and also attains the love and admiration of the people. Various definitions of *Husnul-Khuluq* have been narrated from the *Salaf*, however what has been narrated from ‘Abdullāh bn. al-Mubārak رحمه الله will suffice for this discussion. Ibn Rajab narrated that ibn al-Mubārak said that *Husnul-Khuluq* is to have “A cheerful face, to spread *al-Ma'rūf*, and to abstain from harming [others].”²⁸⁰ *Al-Ma'rūf* is essentially all that the *Sharī'ah* enjoins, recommends, and commends. And from among that which Islām has been enjoined is the act of being merciful, compassionate, and humble towards the

²⁷⁷ *ibid.*

²⁷⁸ *Jāmi 'ul- 'Ulūm wa 'l-Ḥikam* (p.179)

²⁷⁹ *Kitābul-Fawā'id* (p.151)

²⁸⁰ *Jāmi 'ul- 'Ulūm wa 'l-Ḥikam* (p.180)

believers. This involves being respectful towards others, being concerned about their well-being, and to show empathy so as to assure them that one desires nothing but good for them. Such was the character of Allāh's Messenger ﷺ, as is mentioned in the Book:

﴿لَقَدْ جَاءَكُمْ رَسُولٌ مِّنْ أَنْفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ
حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَءُوفٌ رَّحِيمٌ﴾

Verily, there has come unto you a Messenger from among yourselves. It grieves him that you should receive any injury or difficulty. He is anxious over you; towards the believers he is full of pity, kind, and merciful. ²⁸¹

Indeed, the *Mujāhid* responds to the cries of the oppressed Muslims as a result of the *Īmān* that resides in his heart and that connects him to his brothers and sisters in Islām. This is how the Messenger ﷺ has described the true believers:

مثل المؤمنين في توادهم وتراحمهم وتعاطفهم مثل الجسد، إذا
اشتكى منه عضو تداعى له سائر الجسد بالسهر والحمى

“The believers in their mutual love, mercy and compassion are just like one body. When one of the limbs suffers, the whole body responds with insomnia and fever.” ²⁸²

Regarding the Prophet's statement “*the whole body responds*”, *Imām an-Nawawī* رَحِمَهُ اللهُ said, “Meaning some parts of it call other parts to share in that”.²⁸³ Therefore, the *Mujāhid* who truly strives in pursuit of Allāh's Pleasure is merciful, compassionate, and humble towards His slaves. He is concerned about their blood, wealth, honour, and general well-being, he treats them respectfully and is not unjustly harsh towards them. He neither harbours ill-thoughts about them, nor is he hasty in his judgement regarding their speech and actions, the consequences of which often are often

²⁸¹ *Sūrah at-Tawbah* (9):128

²⁸² *Ṣaḥīḥ Muslim* (2586)

²⁸³ *Al-Minhāj Sharḥ Al-Jāmi' aṣ-Ṣaḥīḥ* (5/2526)

manifested as unjustified declarations of *Takfīr*. Such mode of conduct will inevitably cause the *Mujāhidīn* to lose the support of the host population and eventually result in failure for the *Jihād* in that area. It is for such reasons that Allāh ﷻ said to His Messenger ﷺ:

﴿فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ
لَانْفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ
فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ﴾ (١٥٩)

*And by the Mercy of Allāh, you dealt with them gently.
And had you been severe and harsh-hearted, they would
have broken away from about you; so pardon them, and
seek forgiveness for them; and consult them in the
affairs. Then when you have taken a decision, put your
trust in Allāh, certainly, Allāh loves those who put their
trust [in Him].*²⁸⁴

A war of perceptions

Mohammed Hafez, who is said to be a *specialist* in *Islamist* movements, *political militancy*, and *violent radicalisation*, concluded that “the defeat of violent jihadis usually follows from their own mistakes, not from the strategic prowess of the powers that oppose them”.²⁸⁵ From among such mistakes Hafez highlights the use of indiscriminate violence against civilian populations. He stated that, “Their outrageous tactics inspire fear, but not admiration. When communities have an opportunity to turn their back on these fratricidal extremists, they seize it with a vengeance”.²⁸⁶ Hafez has not said anything in this regard that Allāh ﷻ has not already warned the believers against:

²⁸⁴ *Sūrah Āli ‘Imrān* (3):159

²⁸⁵ Mohammed Hafez, *Why Jihadis Lose: Fratricidal jihadis fail to learn from their mistakes*, CTCSENTINEL, November 2017, Vol.10, Issue 10

²⁸⁶ *ibid.*

﴿وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ﴾

And had you been severe and harsh-hearted, they would have broken away from about you.²⁸⁷

The *Mujāhid*'s mode of conduct and his treatment of the host population thus determine whether he wins or loses in the battle for the hearts and minds. For this battle is a war of perceptions thus public opinion is a decisive factor, especially in guerrilla conflicts and popular uprisings. The disbelievers understand this reality and do not hesitate to seize any opportunity to capitalise on the mistakes of the *Mujāhidīn*, with a view to portraying them in a negative light. For instance, when the believers made the mistake of killing Ibn Hadramī [one of the disbelievers of Quraysh] during the Sacred Month of Rajab, the *Mushrikīn* began to publically accuse them of violating the sanctity thereof in an attempt to vilify the Muslims. It was in relation to this incident that Allāh ﷻ revealed:

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ
وَصَدٌّ عَن سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ
أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ﴾

They ask you concerning fighting in the Sacred Months. Say, 'Fighting therein is a great [transgression] but a greater [act of transgression] with Allāh is to hinder the path of Allāh, to disbelieve in Him, to prevent access to al-Masjid al-Haram, and to drive out its inhabitants. And Fitnah is worse than killing'.²⁸⁸

Shaykh Saḥī Ar-Raḥmān al-Mubārakpūrī رَحِمَهُ اللَّهُ mentions this incident in his award winning work entitled *ar-Raḥīqul-Makhtūm*, stating that “The *Mushrikūn* found in what had occurred an opportunity to accuse the Muslims of permitting what Allāh had prohibited, and much gossip took place regarding that until revelation was sent down, terminating such statements

²⁸⁷ *Sūrah Āli 'Imrān* (3):159

²⁸⁸ *Sūrah al-Baqarah* (2):217

and [highlighting] that what the *Mushrikūn* were upon was greater and more significant than that which the Muslims had committed”.²⁸⁹

The *Mujāhidīn* are therefore required to be mindful of their speech and actions, and to avoid presenting opportunities to the enemy which, in turn, can be used to undermine their cause and hinder the much needed support that they receive from the people. Moreover, they must not allow the disbelievers to control the narrative by remaining silent when accusations are levelled against them, or when the enemy seeks to defame the principles upon which the *Jihād* is based. For such vilification serves only to discredit the Islamic movement and to demoralise the Muslims. Hence, when the Quraysh accused the believers of permitting what Allāh had prohibited, He ﷺ said:

﴿قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَنْ سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ
وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ
أَكْبَرُ مِنَ الْقَتْلِ﴾

Say, 'Fighting therein is a great [transgression] but a greater [act of transgression] with Allāh is to hinder the path of Allāh, to disbelieve in Him, to prevent access to al-Masjid al-Haram, and to drive out its inhabitants. And Fitnah is worse than killing'.²⁹⁰

Thus whenever the enemy accuse the *Mujāhidīn* of deliberately targeting civilians, the reply should consist of truths, such as the fact that western governments “have brought down on the Middle East, and much of the rest of the world, the prospect of terrorism and suffering on a scale that al-Qaeda could only imagine”.²⁹¹ Likewise, when they utter statements such as “terrorism hit France, not because of what it is doing in Iraq and Syria...but

²⁸⁹ *Ar-Raḥīqul-Makhtūm Bahṭh fīṣ-Sīratin-Nabawiyyah*. English reference, *The Sealed Nectar: Biography of the Noble Prophet*, Maktaba Dar-us-Salam, Riyadh [1996]

²⁹⁰ *Sūrah al-Baqarah* (2):217

²⁹¹ John Pilger, *Who are the Extremists?*, 22 August, 2003

for what it is”,²⁹² the *Mujāhid* should remind them that such is not the case. On the contrary, the West is reaping the fruits of the foreign-policy decisions that it has taken and implemented in the Muslim world over the course of several decades.

Hence, although it is recommended that the *Mujāhid* should publically acknowledge his mistakes and, as previously stated, should hasten to restore the rights of those affected, he must not fail to expose the deceit of the disbelievers, who ignore the fact that they are guilty of committing mass atrocity crimes against the *Ummah* whilst pointing the finger of blame at the believers. Such was the mode of conduct exhibited by the Quraysh during the lifetime of the Prophet ﷺ, they ignored the fact that they were guilty of committing atrocities against the believers and sought to highlight the mistakes into which the latter fell. Indeed,

﴿تَشَبَّهَتْ قُلُوبُهُمْ﴾

Their hearts are alike. ²⁹³

Meaning the hearts of the contemporary disbelievers “are just like the hearts of those before them, containing *Kufr*, stubbornness and injustice”.²⁹⁴ So, they arrogantly assert that, “when people say ‘it's because of the involvement in the Iraq War that people are attacking the West’, we should remind them: 9/11 – the biggest loss of life of British citizens in a terrorist attack – happened before the Iraq War”.²⁹⁵ Thus they seek to portray an image that is intended to deceive the people into believing that nothing contributed to the events of 9/11 or those that have ensued after that date. That is to say, “history began the day the planes hit the tower”, so they avoid mentioning atrocities such as the UN sanctions on Iraq that killed over half a million Muslim children. The colossal loss life that occurred during this period was

²⁹² Former French Prime Minister Manuel Valls, BBC News, *Paris Attacks: Belgian police raid properties linked to suspects*, 19 November, 2015

²⁹³ *Sūrah al-Baqarah* (2):118

²⁹⁴ *Tafsīr Ibn Kathīr* (1/141)

²⁹⁵ David Cameron, *Extremism: PM Speech*, Ninestiles School, Birmingham, 20 July, 2015

considered to be *a price worth paying*, in order to secure US interests, according to the then US ambassador to the UN Madeline Albright.²⁹⁶

Practising what one preaches

Indeed, in its attempt to extinguish the light of Islām and undermine the *Mujāhid's* cause, the West dismisses the real root causes of the attacks directed against it, and assert that the source is the promotion of an *extreme ideology*. The '*Ulamā*', the students of knowledge, and Islamic preachers, should therefore strive to refute such fallacies and to clarify to the Muslim masses the true nature of the campaign that is currently being waged against Islām and its people.²⁹⁷

In addition to such clarifications and *Da'wah* campaigns, the *Jamā'ah* must ensure that its mode of conduct is representative of that to which it invites the people. That is to say, the *Mujāhid* should practise what he preaches, for failure in this regard is a major cause of losing the people's trust and confidence. He must exemplify the good that he enjoins upon others, as opposed to being the embodiment of that from which he forbids the people. He should not forget that the Messenger of Allāh ﷺ said:

إِنَّمَا بُعِثْتُ لِأَتَمِّمَ صَالِحَ الْأَخْلَاقِ

*"Indeed, I have been sent in order to perfect good moral conduct."*²⁹⁸

The *Mujāhid* must represent such moral principles with his actions and should not elevate himself above the people, simply because he carries a weapon, thus considering himself above the law. What applies to the people

²⁹⁶ *Iraqi Sanctions: Were They Worth It?*, Global Policy Forum, January, 2004

²⁹⁷ The Islamic worker, however, should avoid getting "bogged-down" in senseless debates and refutations, due to responding to every accusation, innovation, or *Shubhah*. For the enemy uses the tactic of overwhelming the *Mujāhid* with such disputation in order to distract him from more important issues. One should know when it is necessary to respond to the arguments presented by the people of misguidance, and when to simply allow one's silence do the the talking.

²⁹⁸ *Al-Hākim* and others, graded *Ṣaḥīḥ* by al-Albānī in *Ṣaḥīḥil-Jāmi'*

also applies to the *Mujāhid*, if he commits an act of transgression, then he should be held accountable for his wrongdoing. Such was the justice that the Prophet ﷺ established, as the incident involving a woman from Banī Makhzūm who stole demonstrates. When Usāmah bn. Zayd رضي الله عنه sought to intercede on her behalf, the Prophet ﷺ asked him, “*Do you intercede in a punishment prescribed by Allāh?*” He ﷺ then stood up and delivered a sermon in which he said:

إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ
تَرَكَوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ. وَإِيمَ اللَّهِ لَوْ
أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا

*“What destroyed the nations preceding you, was that if a noble person among them stole they would forgive him, and if a weak person [i.e. someone from a lower class] amongst them stole, they would apply the legal punishment to him. By Allāh! If Fāṭimah the daughter of Muḥammad stole, I would cut off her hand.”*²⁹⁹

Certainly, the best example is to be found in the guidance of Allāh’s Messenger ﷺ, unto whom the Holy Book was revealed.

In addition to exemplifying that which one enjoins upon the people, through one’s interaction with them, the *Mujāhidīn* should not fail to carry the Muslim population along with them. That is to say, the *Jamā’ah* must make it their duty to not only let their actions demonstrate their good intentions towards the people, but they should also encourage and facilitate their participation in the mission. This was the example set by Dhul-Qarnayn, to whom the people said:

﴿قَالُوا يٰذَا الْقَرْنَيْنِ اِنَّ يٰأَجُوجَ وَمَآجُوجَ مُفْسِدُونَ فِي الْاَرْضِ
فَهَلْ نَجْعَلُ لَكَ خَرْجًا عَلٰى اَنْ تَجْعَلَ بَيْنَنَا وَبَيْنَهُمْ سَدًّا﴾

²⁹⁹ *Ṣaḥīḥ al-Bukhārī* (3475)

“O Dhul-Qarnayn! Verily, Ya’jūj and Ma’jūj are doing great mischief in the land. Shall we then pay you a tribute in order that you might erect a barrier between us and them?”³⁰⁰

In response to their request, Dhul-Qarnayn said:

﴿مَا مَكَّنِّي فِيهِ رَبِّي خَيْرٌ فَأَعِينُونِي بِقُوَّةٍ أَجْعَلْ بَيْنَكُمْ
وَبَيْنَهُمْ رَدْمًا﴾

“That in which my Lord had established me is better. So help me with strength, I will erect between you and them a barrier.”³⁰¹

In this manner Dhul-Qarnayn came to the aid of the people. He refused to accept any reward for his help and only solicited their collective participation in order to achieve the objective of the mission. Upon completion of the task, Dhul-Qarnayn said to the people:

﴿هَذَا رَحْمَةٌ مِّن رَّبِّي﴾

“This is a mercy from my Lord.”³⁰²

Operating among the disbelievers

While commenting on this noble verse, *Imām* Ibn Kathīr observed that this was a mercy from Allāh, “for the people, when he placed a barrier between them and Ya’jūj and Ma’jūj, to stop them from spreading evil and corruption on earth”.³⁰³ Thus Dhul-Qarnayn did not attribute success to himself; rather he reminded the people that all that the help that he provided came from

³⁰⁰ *Sūrah al-Kahf* (18):94

³⁰¹ *Sūrah al-Kahf* (18):95

³⁰² *Sūrah al-Kahf* (18):98

³⁰³ *Tafsīr Ibn Kathīr* (3/100)

none but Allāh ﷻ. Such is the humble nature of the true servants of *Ar-Rahmān*.

So, from this it can be deduced that the *Mujāhid* should not seek any reward from the people whilst waging *Jihād* against the tyrannical regimes that oppress them. Rather, he should consider himself as nothing more than a servant of Allāh ﷻ who has been sent to deliver His Mercy. He seeks from the people only that which is required in order to achieve the aim of the mission: their collective support in repelling the forces of evil, and in this manner he demonstrates his sincerity to the principles upon which the Islamic *Jihād* is based.

The *Jamā'ah* that conducts itself in this manner will not only win the hearts and minds of the host population, but it will also be well on its way to achieving victory over the enemy, by the Grace of Allāh ﷻ. Mus'ab bn. Sa'd said that Sa'd [ibn Abī Waqqās] رَضِيَ اللَّهُ عَنْهُ thought that he was favoured above others besides him, so the Prophet ﷺ said:

هل تنصرون وترزقون إلا بضعفائكم

“Are you granted victory and livelihood except through the weak among you?”³⁰⁴

As for operating in the lands of the original disbelievers,³⁰⁵ wherein the Muslims live as minorities, the *Mujāhidīn* should not expect to enjoy the same type of support that they can receive from a predominantly Muslim population.³⁰⁶ However, there is no situation within which the believer finds himself except that it is good for him, it is just a matter of being able to

³⁰⁴ *Ṣaḥīḥ al-Bukhārī* (2896)

³⁰⁵ The expression *original disbeliever* [*Kāfir Aṣlī*] refers to someone who was not born to Muslim parents, and as such has never entered the fold of Islām. As for those who were born into Islām, or who later embraced it, then changed their religion, they are referred to as *Murtaddīn* [apostates]. The rulings relating to these two types of disbelievers differ, however such discussion is beyond the scope of this work. Refer to ash-Shaybānī, *Fiqh of Jihād: Understanding the Obligation* [chapters 10 & 11] for a detailed discussion regarding the rulings related to these two groups.

³⁰⁶ A predominantly Muslim population has the potential to provide the *Mujāhid* with moral, financial, and logistical support, in addition to serving as a vital source of recruitment and a means through which the ranks of the *Jamā'ah* can be replenished.

identify and acquire the good therein. The *Mujāhid* should bear in mind that the blood, wealth, and honour of the Muslim is sacred and therefore protected under Islamic law, even whilst residing among the disbelievers. Thus, in as much as it is possible, it is important to avoid actions that will result in the violation of such sanctities. One must not forget that the victorious party has been described as being:

﴿أَذِلَّةٌ عَلَى الْمُؤْمِنِينَ أَعِزَّةٌ عَلَى الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ
اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ﴾

*...humble towards the believers, stern towards the
disbelievers, fighting in the way of Allāh, and never
fearing the blame of the blamers.*³⁰⁷

These are the characteristics of those whom are loved by Allāh ﷻ, irrespective of their geographic location, hence the *Mujāhid* must adorn himself with such qualities even whilst operating in the lands of the disbelievers. Moreover, Muslim communities located in the lands of the enemy can still provide the *Mujāhid* with aid and support, which is actually a religious duty binding upon those who are able to fulfil it. Indeed, “*Jihād* is obligatory upon every person, whether he actually joins the fighting or remains behind. Whoever remains behind is required to give support, if support is warranted; to provide aid, if aid is needed; and to march forth if he is commanded to do so. If he is not needed, then he remains behind.”³⁰⁸ Reminding such communities of their obligation in this regard, through *Da'wah* efforts, education, and media campaigns, is included in Allāh's statement:

﴿وَحَرِّضِ الْمُؤْمِنِينَ﴾

*...and incite the believers.*³⁰⁹

³⁰⁷ *Sūrah al-Mā'idah* (5):54

³⁰⁸ *Tafsīr Ibn Kathīr* (1/220)

³⁰⁹ *Sūrah an-Nisā'* (4):84

Shaykh ‘Abdur-Raḥmān bn. Nāṣir as-Sa’dī رَحْمَةُ اللَّهِ عَلَيْهِ said, “**and incite the believers** to fight, and this includes everything that will cause the believers to be active and that will strengthen their hearts, by encouraging them and informing them about the enemy’s weakness and his faint-heartedness, and about what Allāh has prepared for the fighters as a reward, and the punishment that awaits those who remain behind. So this and the likes thereof is all included in inciting [the believers] to fight.”³¹⁰

A major obstacle that the *Mujāhid* will encounter when attempting to incite Muslim communities located in the West to fight against the enemies of Islām, or to at least support the *Jihād*, is convincing them that the disbeliever’s counter extremism campaign is in reality a war on Islām. This is because western authorities strive ardently to portray the conflict as a war against a *fringe group of extremists* who seek to spread hatred and to divide western communities. They assert that these *extremists* promote a *poisonous ideology* that distorts the teachings of *mainstream* Islām, which they claim is completely compatible with western values. For instance, while serving as British Home Secretary Theresa May stressed that:

“We must always take care to distinguish between Islām – a major world religion followed peacefully by the overwhelming majority of one billion Muslims worldwide – and Islamist extremism. Islām is entirely compatible with British values and our national way of life, while Islamist extremism is not – and we must be uncompromising in our response to it.”³¹¹

The *Mujāhid*’s media and *Da’wah* efforts should therefore address such issues and clarify the misconceptions and fallacies propagated by the enemy, in an attempt to undermine support for the Islamic movement. Furthermore, in addition to enlightening Muslim communities about the reality of the conflict between global *Kufr* and Islām, it is necessary to expose the futility of striving for Islamic reform within the framework of civil debate and other such mechanisms established by the disbelievers. For *Jihād* will not be accepted as the only means through which true liberation can be attained,

³¹⁰ *Taysīrul-Karīmīr-Raḥmān fī Tafsīri Kalāmīl-Mannān* (pgs.170&171)

³¹¹ A Stronger Britain, Built On Our Values, *Home Secretary: A Partnership in Defeating Extremism*, 23 March, 2015

unless the Muslims acknowledge the error of pursuing this aim through methods approved by the enemy.

The *Mujāhid* must strive to convince the Muslims that the governments and institutions of Kufr do not desire or intend any good for them. He should remind them of the consistent failure of the international community to protect life, wealth, and honour where Muslims are concerned, as the Syrian conflict, the atrocities perpetrated against the Muslims of Yemen, the horrors inflicted upon the Muslims of East Turkistan, as well as the plight of the Rohingya Muslims have clearly demonstrated. Besides the abundance of such empirical evidence that illustrates this colossal failure, Allāh ﷻ has informed the believers that:

﴿مَا يَوَدُّ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَلَا الْمُشْرِكِينَ أَنْ يُنَزَّلَ عَلَيْكُمْ مِنْ خَيْرٍ مِّنْ رَبِّكُمْ﴾

Neither those who disbelieve among the People of the Scripture [Jews and Christians], nor the Mushrikīn, like that there should be sent down unto you any good from your Lord. ³¹²

He ﷻ also said:

﴿وَلَا يَزَالُونَ يَقْتُلُونَكُمْ حَتَّى يَرُدُّوكُمْ عَنْ دِينِكُمْ إِنِ اسْتَطَعُوا﴾

And they will never cease fighting you until they turn you back from your religion, if they are able to do so. ³¹³

Thus the *Mujāhid* has all that he needs to prove the futility of fighting for religious, civil, and human rights through the means prescribed by the disbelievers. As for the disbelieving population, there are a number of benefits that the *Mujāhid* can derive from them. By exploiting popular grievances, highlighting the government's violation of civil liberties, and

³¹² *Sūrah al-Baqarah* [2]: 105

³¹³ *Sūrah al-Baqarah* [2]: 217

exposing the crimes they commit at home and abroad, the *Mujāhid* can turn public opinion against the enemy, cause social disorder, and agitate campaigners. Such tactics have the potential to divide the enemy's attention, stretch government resources, and to increase political pressure on authorities.

Moreover, by carrying out sustained operations that inflict significant financial loss and human casualties in the lands of the enemy, the believers can provoke critical thinking, causing sections of the population to question their government's foreign policies. Thus Allāh ﷻ says:

﴿فَإِمَّا تَثَقَّفَنَّهُمْ فِي الْحَرْبِ فَشَرِّدْ بِهِم مَّنْ خَلْفَهُمْ لَعَلَّهُمْ
يَذْكُرُونَ﴾

*So if you gain the mastery over them in war, then
disperse by [means of] them those behind them that
perhaps they will be reminded.*³¹⁴

Regarding Allāh's statement, "*then disperse by [means of] them those behind them*", ad-Dahḥāk رَحِمَهُ اللَّهُ says it means, "Make an example of out of them", while az-Zujāj رَحِمَهُ اللَّهُ said, "Kill them in a manner that will disperse those behind them".³¹⁵ Indeed, attacks such as the 9/11 raids, the Woolwich attack of 2013, and the blessed Charlie Hebdo operation have caused many to question and challenge western foreign policy in the Muslim world. For instance, former CIA chief of the bin Laden unit Michael Scheuer stated that:

"The focused and lethal threat posed to U.S. security arises not from Muslims being offended by what America is, but rather from their plausible perception that the things they most love and value – God, Islām, their brethren, and Muslim lands – are being attacked by America. What we as a nation do, then, is the key casual factor in our confrontation with Islām."³¹⁶

³¹⁴ *Sūrah al-Anfāl* (8): 57

³¹⁵ *Al-Jāmi'u li 'Aḥkāmīl-Qur'ān* (4/390)

³¹⁶ *Imperial Hubris: Why the West is Losing the War on Terror*

As previously stated, the *Mujāhid* should select targets of high strategic value, as opposed to targeting random individuals, the slaying of whom yields minimum benefits for the cause. Attacks that send a strong message to the enemy population, resulting in public opposition to the foreign-policy decisions taken and implemented in Muslim lands, are more in line with the *Maṣāliḥ* of the *Jihād* than such random attacks. Allāh ﷻ says:

﴿فَقَتِّلُوا آيْمَةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ﴾³¹⁷

Then fight against the leaders of Kufr, for surely, their oaths are nothing to them, so that they may cease [their evil actions].³¹⁷

Although some argue that such attacks make life difficult for Muslims living in the lands of the enemy, the general *Maṣlaḥah* of the *Ummah* is given precedence over the *Maṣlaḥah* of a group of individuals thereof. Indeed, the believer is warned against residing among the evil-doers lest what is decreed to befall them should also afflict him, as can be understood from Allāh's statement:

﴿وَاتَّقُوا فِتْنَةً لَا تُصِيبَنَّ الَّذِينَ ظَلَمُوا مِنْكُمْ خَاصَّةً وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ﴾³¹⁸

And fear the Fitnah [afflictions and trials] which affects not in particular [only] those of you who do wrong, and know that Allāh is Severe in punishment.³¹⁸

It is also recorded that the mother of the believers Ā'ishah bint Abī Bakr رَضِيَ اللَّهُ عَنْهَا narrated that the Messenger of Allāh ﷺ said:

يَغْزُو جَيْشُ الْكَعْبَةِ إِذَا كَانُوا بَبْدَاءَ مِنَ الْأَرْضِ يُخَسَفُ بِأُولِهِمْ
وَأَخْرَهُمْ

³¹⁷ *Sūrah at-Tawbah* (9):12

³¹⁸ *Sūrah al-Anfāl* (8):25

*“An army will march forth in order to attack the Ka’bah.
Thus, when they reach a desert part of the land the first
and the last of them will be sunk [in the earth].”*

The mother of the believers inquired, “O Messenger of Allāh! How is it that the first of them and the last of them will be sunk in the earth, while among them are their markets, as well as those who are not from among them?” The Messenger of Allāh ﷺ replied:

يُخَسَفُ بِأَوَّلِهِمْ وَآخِرِهِمْ، ثُمَّ يُعْتَوْنَ عَلَى نِيَّتِهِمْ

*“The first of them and the last will be sunk [in the earth],
and then they will be resurrected according to their
intentions.”*³¹⁹

Shaykh Muḥammad Ibn Ṣāliḥ al-‘Uthaymīn رَحِمَهُ اللهُ says: “And in this *Ḥadīth* there is an admonition; whoever associates with the people of falsehood and the people of transgression and aggression, then he will be punished with them, the righteous as well as the corrupt. Whenever the punishment befalls it is encompassing and does not leave anybody out, [thus everybody will be punished] then they will be resurrected according to their intentions. Allāh ﷻ says: **‘And fear the Fitnah which affects not in particular [only] those of you who do wrong, and know that Allāh is Severe in punishment.’** [*Sūrah al-Anfāl* (8):25].”³²⁰

³¹⁹ *Ṣaḥīḥ al-Bukhārī* (2218), *Ṣaḥīḥ Muslim* (2884)

³²⁰ *Sharḥu Riyāḍis-Ṣāliḥīn* (1/18)

Islamic Unity

مثل المؤمنين في توادهم وتراحمهم وتعاطفهم مثل الجسد، إذا اشتكى
منه عضو تداعى له سائر الجسد بالسهر والحمى

*“The believers in their mutual love, mercy and compassion are just
like one body. When one of the limbs suffers, the whole body
responds with insomnia and fever.”*

Ṣaḥīḥ Muslim (2586)

Western governments often assert that it is the *Islamist extremists* who seek to promote “the idea of a *war on Islām* to create a *them* and *us* narrative and stoke division”.³²¹ However, what the disbelievers refer to as a *them and us narrative* is in reality the very nature of the message of *Tawhīd*, as Allāh ﷻ says:

﴿إِنَّهُ لَقَوْلُ فَصْلٍ﴾

*Verily, it is a Word that separates.*³²²

Imām al-Qurṭubī رَحِمَهُ اللَّهُ commented on this verse, stating that, “The Qur’ān separates between the truth and falsehood”. Thus since the sending of the first messenger, the children of Ādam have been divided into two camps: the soldiers of *Īmān* and the camp of *Kufr*. This is indicated in Allāh’s statement:

﴿وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا اللَّهَ وَاجْتَنِبُوا
الطَّاغُوتَ ۖ فَمِنْهُمْ مَّنْ هَدَى اللَّهُ وَمِنْهُمْ مَّنْ حَقَّتْ عَلَيْهِ
الضَّلَالَةُ ۖ فَسِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ
الْمُكَذِّبِينَ﴾

*And We have indeed sent a Messenger to every Ummah
[saying]: ‘Worship Allāh [Alone], and shun the Ṭāghūt’.
Then among them were some whom Allāh guided, and
among them were some who deserved to be left to stray.
So travel through the land and see the end of those who
denied [the truth].*³²³

Nothing unites the believers in brotherhood and in arms except their disbelief in *Ṭāghūt* and their belief in Allāh ﷻ and His Messenger ﷺ. That is to say, *Īmān* is the foundation upon which the unity of the Muslims rests, and it is under its banner alone that they wage *Jihād* against the forces of *Kufr*. This

³²¹ *Counter-Extremism Strategy*, [Cm 9148] October 2015 pg.22

³²² *Sūrah at-Ṭāriq* (86):13

³²³ *Sūrah an-Naḥl* (16):36

is a sacred bond, one that Allāh ﷻ had ordained for the Messenger ﷺ and his followers, as is documented in the Holy Book:

﴿شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا
إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى أَنْ أَقِيمُوا الدِّينَ
وَلَا تَتَفَرَّقُوا فِيهِ كَبُرَ عَلَى الْمُشْرِكِينَ مَا تَدْعُوهُمْ إِلَيْهِ اللَّهُ
يَجْتَبِي إِلَيْهِ مَنْ يَشَاءُ وَيَهْدِي إِلَيْهِ مَنْ يُنِيبُ﴾³²⁴

*He has legislated for you the same religion which He ordained for Nūḥ, and that which We have revealed to you, and that which We ordained for Ibrāhīm, Mūsā, and ‘Īsā, [commanding] that you [should] establish the religion and make no divisions therein. Intolerable for the Mushrikīn is that to which you call them. Allāh chooses for Himself whom He wills, and guides unto Himself who turns to Him in repentance.*³²⁴

Warning against disunity

The Messengers عَلَيْهِمُ السَّلَام were thus commanded to establish Allāh's Religion, and to avoid creating divisions therein. The *Mujāhidīn*, as part of the mission to establish the Islamic *Sharī'ah*, are therefore duty-bound to maintain unity within their ranks, as Allāh ﷻ addresses them directly with His command:

﴿وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا﴾

*And hold fast to the Rope of Allāh together, and be not divided among yourselves.*³²⁵

Additionally, the Messenger of Allāh ﷺ said:

³²⁴ *Sūrah ash-Shūrā* (42):13

³²⁵ *Sūrah Āli ‘Imrān* (3):103

إِنَّ اللَّهَ يَرْضِي لَكُمْ ثَلَاثًا: أَنْ تَعْبُدُوهُ وَلَا تَشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفْرُقُوا، وَأَنْ تَنَاصَحُوا مَنْ وَلَاهُ اللَّهُ أَمْرَكُمْ

*“Indeed, Allāh is pleased with three things for you: That you worship Him and do not associate anything with Him, and that you hold on to the rope of Allāh together and be not divided [among yourselves], and that you advise those whom Allāh has appointed over your affairs.”*³²⁶

Division is one of the greatest causes of defeat and ultimate failure in any conflict, hence Allāh ﷻ warns the believers against falling into that which often results in disunity in the ranks, saying:

﴿وَلَا تَنَزَعُوا فَيَفْشَلُوا وَتَذْهَبَ رِيحُكُمْ﴾

*...and do not dispute with one another, lest you lose courage and your strength departs.*³²⁷

The enemies of *Tawhīd* understand the importance of unity and the strength that it affords those who maintain it. Hence, they strive ardently to split the ranks of the believers with a view to preventing the Islamic movement from achieving its goals. For instance, Thomas L. Friedman stressed the importance of moving, “the struggle to where it belongs: to a war within Islām over its spiritual message and identity, not a war with Islām”.³²⁸ Cheryl Benard opined that contemporary Islām is “engaged in an internal and external struggle over its values, its identity, and its place in the world”, and stated that “the West is making an increased effort to come to terms with, to understand, and to influence the outcome of this struggle”.³²⁹ Across the Atlantic, David Cameron spoke of empowering the “moderate and reforming voices who speak for the vast majority of Muslims that want to reclaim their

³²⁶ *Ṣaḥīḥ Muslim* (1715)

³²⁷ *Sūrah al-Anfāl* (8):46

³²⁸ Thomas L. Friedman, the New York Times, *War Of Ideas*, 2 June, 2002

³²⁹ Cheryl Benard, *Civil Democratic Islam: Partners, Resources, and Strategies*, [MR-1716], The RAND Corporation, 2003

religion”,³³⁰ while Theresa May stressed that the government, “must always take care to distinguish between Islām – a major world religion followed peacefully by the overwhelming majority of one billion Muslims worldwide – and Islamist extremism”.³³¹ Thus the enemy works very hard in order to divide the *Ummah*, as well as to increase existing divisions, for indeed they fear nothing more than Muslim unity, as Allāh تعالى says:

﴿لَأَنْتُمْ أَشَدُّ رَهْبَةً فِي صُدُورِهِمْ مِنَ اللَّهِ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَفْقَهُونَ﴾^{١٣}

Indeed, you are more frightening in their breasts than Allāh. That is because they are a people who understand not.³³²

Disunity has historically led to the Muslims being vanquished and dominated by the forces of *Kufr*, as was demonstrated during the ruthless campaigns initiated against the Muslims of Andulus³³³ by the Christian King Alfonso VIII, which paved the way for Ferdinand III and Isabella's conquest of the whole Peninsula. Regrettably, the *Ummah* continues to suffer such calamities as a result of failing to learn from history and to take a united stance against the enemies of *Tawhīd*. The *Jamā'ah* must therefore strive to not only maintain harmony within its ranks, but to also unify the Muslim *Ummah* under the banner of an Islamic global resistance against the tyrannical systems of oppression that corrupt both the religious and worldly affairs.

³³⁰ David Cameron, *Extremism: PM Speech*, Ninestiles School, Birmingham, 20 July, 2015

³³¹ A Stronger Britain, Built On Our Values, *Home Secretary: A Partnership in Defeating Extremism*, 23 March, 2015

³³² *Sūrah al-Hashr* (59):13

³³³ Al-Andalus was the name of the Iberian Peninsula [present day Spain and Portugal] during the period in which the region was under Muslim rule [711-1492CE].

Preserving the bond of Īmān

Indeed, “there is nothing more compulsory after *Īmān* than repelling the assailing enemy who corrupts the religion and the worldly affairs”.³³⁴ The people of *Īmān* must therefore be united in discharging this religious duty, thereby fulfilling the command to “...***hold fast to the Rope of Allāh together, and be not divided among yourselves***”.³³⁵

Despite comprising several distinct cultural areas, the Muslim *Ummah* is but one body bound together through a single civic-religious framework: the Islamic *Sharī'ah*. This divine law extends new ideational, political, and economic dimensions to cultural identity. Thus, a true believer primarily defines his identity in Islamic terms rather than according to race, ethnicity or nationality. Indeed, the believer understands that the most important issue with Allāh ﷻ is the state of his heart and the manner in which he conducts himself. He ﷻ makes this explicitly clear in His Book, addressing the whole of mankind in the following manner:

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾³³⁶

O mankind! We have created you from a male and a female, and made you into nations and tribes that you may become acquainted with one another. Verily, the most honourable of you with Allāh is he who has the most Taqwā. Verily, Allāh is All-Knowing, All-Aware.³³⁶

The Muslim's connection with his Lord is thus based upon *Taqwā*, and it is upon this basis that his relationship with the Muslim *Ummah* rests, as He ﷻ says:

³³⁴ *Al-Fatāwā al-Kubrā* (4/608)

³³⁵ *Sūrah Āli 'Imrān* (3):103

³³⁶ *Sūrah al-Hujurāt* (49):13

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ﴾³³⁷

The believers are nothing but brothers; so reconcile between your brothers, and have Taqwā of Allāh that you may receive mercy.³³⁷

So nothing binds the believers together in brotherhood except the bond of *Īmān*, a connection that exists between them irrespective of race, ethnicity, or geographical location. It is a bond that increases in strength in proportion to one's *Īmān*, and it inspires mutual feelings of love, mercy, and empathy in the hearts of those who believe. It is this mutual bond that motivates the Muslim to sacrifice his wealth and his life in order to liberate his oppressed brothers and sisters in *Īmān*. Hence, the Messenger of Allāh ﷺ said:

مثل المؤمنين في توادهم وتراحمهم وتعاطفهم مثل الجسد، إذا اشتكى منه عضو تداعى له سائر الجسد بالسهر والحمى

*“The believers in their mutual love, mercy and compassion are just like one body. When one of the limbs suffers, the whole body responds with insomnia and fever.”*³³⁸

The task of uniting the ranks of the *Mujāhidīn* differs in its approach from the method applied in reconciling the hearts of the Muslim masses. Since the *Mujāhid* who truly strives in the cause of Allāh ﷻ has reached a certain level of understanding and acceptance, more direct means can be adopted in order to achieve unity in the ranks. The following points are intended to serve as basic guidelines for the achievement of this noble aim:

Unity of understanding: this refers to establishing and maintaining a unified understanding of the following:

1. **The Islamic ‘*Aqīdah*:** the Arabic term ‘*Aqīdah* [عقيدة] is a derivative of the word ‘*Aqada* [عقد], which literally means *to make firm, to tie firmly*,

³³⁷ *Sūrah al-Hujurāt* (49):10

³³⁸ *Ṣaḥīḥ Muslim* (2586)

etc. Thus, the 'Arabs say *Rabaṭa* 'Uqdah [ربط عقدة], when a knot has been firmly tied, and 'Aqadal-Bay' [عقد البيع] when one ratifies and contracts a sale or agreement. An example of this is Allāh's statement:

﴿لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ
بِمَا عَقَّدْتُمُ الْأَيْمَانَ﴾

***Allāh will not punish you for what is unintentional in
your oaths, but He will take you to task for your
deliberate oaths [i.e. those which you 'عقدتم'].³³⁹***

It can be understood from this noble verse that if one says 'Aqadtu such and such, it means that one has a firm intention to do something or that one's heart is firm upon that which has been declared. Therefore, in relation to religious or ideological beliefs, the term 'Aqīdah refers to "the creed that one's heart is firmly upon, and to which it is fixed without any wavering and devoid of any supposition, doubt or suspicion". The Islamic 'Aqīdah is based upon two fundamental principles: disbelief in at-Ṭāghūt and belief in Allāh ﷻ, Who says:

﴿فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ
الْوُثْقَىٰ لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ﴾

***Whoever disbelieves in at-Ṭāghūt and believes in Allāh,
then he has grasped the most trustworthy handhold that
will never break.³⁴⁰***

There was no messenger sent to his people except that he called them to these two principles, the acceptance or rejection of which determined their fate both in this life and in the hereafter. And as previously stated, the message is divisive: separating between those who believe and those who disbelieve. Thus there is absolutely no

³³⁹ *Sūrah al-Mā'idah* (5):89

³⁴⁰ *Sūrah al-Baqarah* (2):256

compromise in regards to these two principles, nor is there any neutral stance that one can claim to hold: one either believes in Allāh ﷻ or worships *Ṭāghūt*. There can be no unity established or maintained between these two camps, as He ﷻ says:

﴿الَّذِينَ ءَامَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ
فِي سَبِيلِ الطَّاغُوتِ فَقَاتِلُوا أَوْلِيَاءَ الشَّيْطَانِ إِنَّ كَيْدَ الشَّيْطَانِ
كَانَ ضَعِيفًا﴾

*Those who believe fight in the cause of Allāh, and those who disbelieve fight in the cause of the Ṭāghūt. So fight the Awliyā' of Shayṭān; verily the plot of Shayṭān is feeble.*³⁴¹

2. **The aims and objectives:** a sound understanding of the Islamic 'Aqīdah aids the Muslim to comprehend the purpose of the *Jihād*: fighting against the forces of tyranny in order to elevate the Word of Allāh ﷻ above every other creed, religion, system of governance, policy, value or tradition. This is the general aim of the Islamic movement, which in military terms can be considered to be the *Mujāhid*'s strategic objective. There rarely occurs any difference of opinion between the true *Mujāhidīn* regarding this being the ultimate aim of the campaign, as the Messenger of Allāh ﷺ said:

من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله

*“Whoever fights so that the Word of Allāh is the highest, then he is in the cause of Allāh.”*³⁴²

However, differences of opinion do arise when it comes to specifying operational or tactical objectives.³⁴³ In general, the selection of such

³⁴¹ *Sūrah an-Nisā'* (4):76

³⁴² *Ṣaḥīḥ al-Bukhārī* (2810)

³⁴³ Modern military theory divides war into three levels: strategic, operational, and tactical levels. **The strategic level** centres on defining and supporting national policy and relates

objectives is not a matter that is connected to the Islamic ‘*Aqīdah*: rather it usually comes down to the issue of military experience and situational awareness.³⁴⁴ Although it is unreasonable to expect everyone to possess the same level of military expertise, a cohesive understanding of the operational and tactical environments is something that the *Mujāhidīn* should strive to achieve.

3. The situation of the *Ummah* and the priorities of the movement:

this is closely related to situational awareness, as it refers to the perception of the situation within which the *Ummah* finds itself, the circumstances with which it is confronted, and an understanding of the enemy that it faces in any given time and space. Such awareness does not only afford the Muslims with the ability to select targets according to either their strategic, operational, or tactical value, but it also enables them to prioritise the *Maṣāliḥ* of the *Jihādī* mission. Indeed, a mutual understanding of the environment, the enemy, and one’s disposition enables the *Mujāhidīn* to plan effectively and achieve greater results, by the Grace of Allāh ﷻ.

For instance, were the *Mujāhidīn* to collectively understand the reality of the conflict, in which they are currently engaged, operations would not only be more coordinated on an international scale, but they would

directly to the outcome of the conflict. Since war is essentially “an act of violence aimed at compelling the enemy to submit to one’s will”, modern wars and conflicts are usually won or lost at this level, as opposed to the other levels of war.

The operational level focuses on the employment of military forces in a given theatre of war or operations, with a view to obtaining an advantage over the enemy and thereby attaining strategic goals through the design, organisation, and conduct of campaigns and major operations. A campaign consists of a series of related military, economic, and political operations aimed at accomplishing a common objective in a given time and space, thus the Messenger of Allāh ﷺ said: “*Wage Jihād against the Mushrikīn with your wealth; your lives, and your tongues*” [Sunan Abī Dāwūd (2504)]

Since the various operations that make up a campaign essentially consist of maneuvers, engagements, and battles, **the tactical level** translates potential combat power into successful battles and engagements through decisions and actions that create advantages when either in contact with or in proximity to the enemy.

³⁴⁴ Situational awareness: the perception of environmental elements and events with respect to time and space, the comprehension of their meaning, and the projection of their future status.

also be more effective against the global threat with which the *Ummah* is faced. Indeed, the contemporary Muslims are not merely up against a tyrant or two located in a particular country, after whose defeat the black flag can be raised and an Islamic state declared. On the contrary, the situation in which the *Ummah* currently finds itself is more akin to what was described in the *Ḥadīth* of Thawbān رضي الله عنه who narrated that the Messenger of Allāh ﷺ said:

يوشك أن تداعى عليكم الأمم من كل أفق كما تداعى الأكلة
إلى قصعتها. فقال: قلنا يا رسول الله، أمن قلة بنا يومئذ؟ قال،
أنتم يومئذ كثير ولكن تكونون غثاء كغثاء السيل ينتزع المهابة
من قلوب عدوكم ويجعل في قلوبكم الوهن. قال قلنا وما
الوهن؟ قال، حب الحياة وكراهية الموت

“The nations will soon summon one another against you just as diners invite each other to share in their meal.” He [Thawbān] then said, “We asked, O Messenger of Allāh! Will it be due to our small number at that time?” He said, *“You will be numerous at that time: but you will be scum and rubbish, like the scum and rubbish of a torrent. Fear [of you] will be removed from the hearts of your enemy, and Wahn will be placed into your hearts.”* He [Thawbān] said, “We asked, and what is Wahn?” He said, *“Love of life and hatred for death.”*³⁴⁵

The UN Member States, the permanent members of the Security Council in particular, currently represent the threat that the Messenger of Allāh ﷺ described in this noble *Ḥadīth*. For indeed, it is around the tables of the UN Security Council and the General Assembly that the nations from around the globe gather to pass resolutions and decrees that sanction the violation of the blood, wealth, and honour of the Muslims. The UN has been used as a tool by western nations in

³⁴⁵ *Sunan Abī Dāwūd* (4297), *Musnad Aḥmad* (21890)

particular to devastate and plunder Muslim lands and to commit mass atrocity crimes against the people thereof for decades.

Additionally, these same western nations have galvanised the *international community* against Islām and its people, under the pretext of countering an *extreme* ideology and defeating *terrorism*. The reality of the matter, however, is not only clear for any intelligent person to perceive, but has been openly declared by the leaders of *Kufr* who arrogantly state, “We are fighting a war, but not just against terrorism but about how the world should govern itself in the early 21st century, about global values.”³⁴⁶ It is therefore imperative for the *Mujāhid* to understand the reality with which he is faced, in order to be able to prepare adequately and operate effectively. He must strive to unite the *Ummah* under the banner of an Islamic global resistance, through effective media and *Da'wah* efforts with a view to achieving a *unity of understanding* within the Muslim ranks, as “He will win whose army is animated by the same spirit throughout all its ranks.”³⁴⁷

Following the *Manhaj* of the *Salaf*: the importance of following the *Manhaj* [methodology] of the *Salaf* was highlighted in the Prophet's [ﷺ] statement:

وإن بني إسرائيل تفرقت علي ثنتين و سبعين ملة، وتفترق أمتي
علي ثلاث وسبعين ملة كلهم في النار إلا ملة واحدة

“*Banī Isrā'īl split into seventy-two sects, and my Ummah
will split into seventy-three sects, all of them will be in the
Fire except one.*”

The *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ asked:

ومن هي يا رسول الله؟

³⁴⁶ Tony Blair, *An Arc of Extremism*, an address to the World Affairs Council in Los Angeles, 01 August, 2006

³⁴⁷ Sun Tzu, *The Art of War*, Translated from the Chinese by Lionel Giles, M.A. [1910]

“O Messenger of Allāh! Which sect is that?”

He ﷺ replied:

ما أنا عليه وأصحابي

*“The sect that is upon that which I and my Ṣaḥābah are upon.”*³⁴⁸

Deviation from the *Manhaj* of the *Salaf* therefore does not yield the desired results: rather the opposite is true, as this noble *Ḥadīth* clearly indicates. Moreover, it can be understood from this divine text that turning away from the *Manhaj* of the *Salaf* is a major cause of disunity. For the Messenger of Allāh ﷺ described the saved sect as being adherents to that upon which he and his *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ were upon: those who deviated from this path split into various sects and will continue to do so. Indeed, nothing can unite the *Ummah* except that which united the *Salaf*, as He ﷻ says:

﴿وَأَلَّفَ بَيْنَ قُلُوبِهِمْ لَوْ أَنْفَقْتَ مَا فِي الْأَرْضِ جَمِيعًا مَا أَلَّفْتَ
بَيْنَ قُلُوبِهِمْ وَلَكِنَّ اللَّهَ أَلَّفَ بَيْنَهُمْ إِنَّهُ عَزِيزٌ حَكِيمٌ﴾

And He has united their hearts. If you had spent all that is on the earth you could not have united their hearts, but Allāh has united them. Certainly He is All-Mighty, All-Wise.³⁴⁹

The Prophet ﷺ reminded the *Anṣār* رَضِيَ اللَّهُ عَنْهُمْ of this blessing, when they were disappointed over not receiving a share of the war booty after the battle of Ḥunayn, addressing them in the following manner:

يا معشر الأنصار ألم أجدكم ضالًّا فهداكم الله بي، وكنتم
متفرقين فألفكم الله بي، وعالة فأغناكم الله بي؟

³⁴⁸ *At-Tirmidhī* (2641), and declared to be *Ḥasan* by Shaykh al-Albānī in *Ṣaḥīḥil-Jāmi'* (5343)

³⁴⁹ *Sūrah al-Anfāl* (8):62&63

*“O Ansār! Did I not find you misguided and Allāh guided you through me? And were you not divided and Allāh united you through me? And were you not poor and Allāh enriched you via me?”*³⁵⁰

Thus the Messenger of Allāh ﷺ was the means through which Allāh ﷻ united the previous generation of believers, and it is only through this means that those who come after them can establish and maintain unity within their ranks. Although the Prophet ﷺ is not among the believers today in person, the *Manhaj* upon which he and his *Ṣaḥābah* رَضِيَ اللَّهُ عَنْهُمْ were upon is still among them. The Messenger of Allāh ﷺ said:

قد تركتكم على البيضاء، ليلها كنهارها لا يزيغ عنها بعدي إلا هالك

*“I have left you on a clear path, its night is like its day, [and] none deviates from it after me except he who is destroyed.”*³⁵¹

And from among this blessed *Manhaj* is the noble act of waging *Jihād* against those who oppose Allāh ﷻ and His Messenger ﷺ. This is the clear path upon which the Messenger ﷺ and his *Ṣaḥābah* traversed, and it is the means that the believers have inherited from the *Salaf* and thus employ in order to elevate the Word of Allāh ﷻ, Who says:

﴿لَكِنَّ الرِّسُولَ وَالَّذِينَ آمَنُوا مَعَهُ جَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ وَأُولَئِكَ لَهُمُ الْخَيْرَاتُ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ﴾

But the Messenger and those who believed with him waged Jihād with their wealth and their lives. Such are they for whom are the good things, and it is they who will be successful.³⁵²

³⁵⁰ *Ṣaḥīḥ al-Bukhārī* (4330)

³⁵¹ *Sunan Ibn Mājah* (45)

³⁵² *Sūrah at-Tawbah* (9):88

In addition to being united on the path of *Jihād*, the *Salaf* رَحِمَهُمُ اللَّهُ were also in agreement about its aims and objectives and understood it to be a comprehensive mission. Hence, they did not neglect any aspect of this great act of worship, nor did they commit excesses in relation to other aspects thereof. Although they would prioritise the *Maṣāliḥ* of the *Jihād*, they would turn away from the prophetic *Manhaj*, in an attempt to appease the disbelievers or to acquire worldly benefits. Such was the way of the *Salaf*, the *Mujāhid* should thus avoid opposing their path as Allāh ﷻ says:

﴿وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ
الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا ۝﴾³⁵³

*And whoever contradicts and opposes the Messenger
after the right path has been shown clearly to him, and
follows other than the believers' way, We shall keep him
in the path he has chosen and burn him in Jahannam,
what an evil destination!*³⁵³

Mutual agreement on a source of adjudication: the fact that the Book of Allāh ﷻ is the only legal source of legislation, thus forming the basis of all governance and judgements, is one that is not denied or rejected by the true *Muwaḥḥidīn*. For indeed, the belief that legislation is an exclusive right of Allāh ﷻ Alone is a fundamental principle of *Tawḥīd*, the violation of which constitutes an act of *Shirk*, as He تعالى says:

﴿وَلَا يُشْرِكْ فِي حُكْمِهِ أَحَدًا ۝﴾³⁵⁴

*And He makes none to share in His Ḥukm.*³⁵⁴

The *Muwaḥḥid* thus acknowledges that there is no difference between associating partners with Allāh تعالى in His exclusive Right to legislate laws for mankind and the evil act of worshipping other gods besides Him ﷻ. Indeed, both acts are manifestations of *Shirk*, as was explained by the great scholar Muḥammad al-Amīn ash-Shinqīṭī رَحِمَهُمُ اللَّهُ:

³⁵³ *Sūrah an-Nisā'* (4):115

³⁵⁴ *Sūrah al-Kahf* (18):26

“Associating partners with Allāh in His *Ḥukm* is the same as associating partners with Him in His worship. Regarding His *Ḥukm* He said: **‘and He makes none to share in His *Ḥukm*’**. [Al-Kahf (18):26]... Concerning associating partners with Him in His worship, He said: **‘So whoever hopes for the meeting with his Lord, let him work righteousness and associate none as a partner in the worship of his Lord’**. [Al-Kahf (18):110] So, the two [acts of *Shirk*] are the same, as you can clearly see *In shā’Allāh*.”³⁵⁵

The issue of a *mutual agreement* on a source of adjudication here therefore refers to the individuals or body whom the *Mujāhidīn* all accept as an independent source of arbitration, should any dispute arise between the *Jihādī* groups. This body should consist of independent qualified scholars, whom are known for their moral integrity, bravery, and independence from the various groups participating in the *Jihād*. Such criteria are critical for the establishment and maintenance of justice and for settling disputes, as incompetence, dishonesty, cowardice, and subservience to one group or another has proven to be counter-productive in this regard. The establishment of such a body should not be considered optional, if it is not possible to appoint just arbitrators from among each disputing party,³⁵⁶ as Allāh ﷻ says:

﴿وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ
بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَىٰ فَقَاتِلُوا الَّتِي تَبْغِي حَتَّىٰ تَفِيءَ إِلَىٰ
أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ

³⁵⁵ *Aḍwā’ul-Bayān* (7/120)

³⁵⁶ If it is possible to select just arbitrators from each disputing group for the purpose of reconciling between them, then this is praiseworthy. The dispute that took place between ‘Alī bn. Abī Tālib and Mu’āwīyyah bn. Abī Sufyān رَضِيَ اللَّهُ عَنْهُ serves as an excellent example in this regard. However, the Syrian case has shown that it is not always possible to follow this example. In such situations it is obligatory to establish an independent source of arbitration through which disputes between the various *Jihādī* groups can be settled according to the command of Allāh تعالى.

يُحِبُّ الْمُقْسِطِينَ ﴿٩﴾ إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ
أَخَوَيْكُمْ وَأَتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ ﴿١٠﴾

And if two parties among the believers fall into fighting [each other], then make peace between them both. But if one of them transgresses against the other, then fight you [all] against the one that which transgresses till it returns to the command of Allāh. Then if it returns [to it], then make reconciliation between them justly, and be equitable. Indeed, Allāh loves those who are the equitable. The believers are but brothers. So make reconciliation between your brothers, and have Taqwā of Allāh that you may receive mercy. ³⁵⁷

This noble verse provides the *Mujāhid* with sufficient guidance in relation to the settlement of disputes that occur between the believers. The first directive is to reconcile between the disputing parties should disagreements arise, while the second command is the order to fight together against any party that transgresses against the other until they return to the command of Allāh ﷻ. It is important to consider the statement, “*till it returns to the command of Allāh*” in this noble verse. This serves to remind the believers that:

﴿وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ ذَلِكُمُ اللَّهُ رَبِّي عَلَيْهِ تَوَكَّلْتُ وَإِلَيْهِ أُنِيبُ﴾ ﴿١٠﴾

And in whatsoever you differ, the judgement thereof is with Allāh. Such is Allāh, my Lord in Whom I put my trust, and to Him [Alone] I turn in repentance. ³⁵⁸

Hence, *Imām Ibn Kathīr* رحمه الله stated that Allāh's statement, “*But if one of them outrages against the other, then fight you [all] against the one that transgresses till it returns to the command of Allāh*”, means, “Until the rebellious group refers to the commands of Allāh and His Messenger for

³⁵⁷ Sūrah al-Hujarāt (49):9&10

³⁵⁸ Sūrah ash-Shūrā (42):10

judgement and they listen to and obey the truth”.³⁵⁹ As for His statement, **“Then if it returns [to it], then make reconciliation between them justly, and be equitable”**, this indicates that there can be no reconciliation without returning to the command of Allāh ﷻ, as it is a conditional sentence and the principle of *Fiqh* states:

“In order for something to be accomplished, its conditions must be fulfilled and [any] preventative factor should be absent.”³⁶⁰

Returning to the command of Allāh ﷻ is a condition for reconciliation, as is indicated in verse nine of *Sūrah al-Hujūrāt*, while the act of refusing to do so is a preventative factor. Hence, there can be no reconciliation with any group that refuses to return to the divine law, which is the only source of justice.³⁶¹ Moreover, those who have been appointed as arbitrators are ordered to be equitable, they should therefore not be prejudiced during the process of reconciliation. It should not be forgotten that He ﷻ says:

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ﴾

The believers are but brothers. So make reconciliation between your brothers, and have Taqwā of Allāh that you may receive mercy.³⁶²

Therefore unity is established upon a foundation of *Īmān*, *Taqwā*, and justice, which cannot be maintained except by referring all disputes back to Allāh ﷻ and His Messenger ﷺ. Failure to conduct one's affairs in this manner does not only betray the very principle upon which *Jihād* is based, but it also indicates a lack of *Īmān* or the complete absence thereof, as Allāh ﷻ says:

³⁵⁹ *Tafsīr Ibn Kathīr* (4/189)

³⁶⁰ This principle of *Fiqh* is expressed in Arabic as, [والشيء لا يتم إلا أن تتم...شروطه ومانع منه عدم]

³⁶¹ Refer to *The Fiqh of Jihād: Understanding the Obligation* [Chapter 12] by ‘Abdullāh ash-Shaybānī for a more detailed discussion regarding fighting the *Bughā*

³⁶² *Sūrah al-Hujūrāt* [49]: 9-10

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا﴾³⁶³

But no, by your Lord! They do not believe until they make you judge in [all the] disputes [that occur] between them, then find in themselves no resentment towards your decisions, while accepting [them] with complete submission.³⁶³

Adhering to Islamic Akhlāq: the Islamic concept of *Husnul-Khuluq*, in relation to the *Mujāhid*'s interaction with the Muslim population, has previously been mentioned.³⁶⁴ During that discussion it was defined as having “a cheerful face, to spread *al-Ma'rūf*, and to abstain from harming [others].”³⁶⁵ This mode of conduct is not the exclusive right of host populations, nor is it enjoined solely upon the *Mujāhidīn*. Rather, this was the Prophet's way of life and the excellent example that he left behind for all of those who hope for Allāh and the Last Day, hence he ﷺ said:

إِنَّمَا بَعَثْتُ لِأَتَمِّمَ صَالِحَ الْأَخْلَاقِ

*“Verily, I have been sent in order to perfect moral conduct [Akhlāq].”*³⁶⁶

So, every Muslim is required to adorn himself with the *Akhlāq* of Allāh's Messenger ﷺ about which Allāh ﷻ said:

﴿وَإِنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ﴾³⁶⁷

And verily, you are on an exalted [standard of] character.

³⁶⁷

³⁶³ *Sūrah an-Nisā'* [4]: 65

³⁶⁴ Refer to the chapter entitled *The Vanguard of the People*, (p.122) for this discussion.

³⁶⁵ *Jāmi'ul-'Ulūm wa'l-Hikam* (p.180)

³⁶⁶ *Al-Hākim* and others, graded *Ṣaḥīḥ* by al-Albānī in *Ṣaḥīḥil-Jāmi'*

³⁶⁷ *Sūrah al-Qalam* (68):4

Imām Ibn Kathīr رَحِمَهُ اللهُ narrates that, “It has been mentioned to us that Sa’d bn. Hishām asked ‘Ā’ishah about the character of the Messenger of Allāh, so she replied: ‘Have you not read the Qur’ān? Sa’d said, ‘Of course’. Then she said, ‘Verily, the character of the Messenger of Allāh was the Qur’ān.’ ‘Abdur-Razzāq recorded similar to this and *Imām* Muslim recorded it in his *Ṣaḥīḥ* on the authority of Qatādah in its full length.”³⁶⁸ The *Mujāhid*’s character should therefore be a reflection of that for which he sacrifices his wealth and his life. His mode of conduct in the battlefield, his interaction with the people, and his relations with his brothers-in-arms, should all be an exemplification of the Holy Book. The honourable qualities that those who wage *Jihād* in the cause of Allāh ﷻ are expected to possess were made mention of in His statement:

﴿التَّائِبُونَ الْعَبِدُونَ الْحَمِيدُونَ السَّابِقُونَ الرَّاكِعُونَ
السَّاجِدُونَ الْأَمْرُونَ بِالْمَعْرُوفِ وَالنَّاهُونَ عَنِ الْمُنْكَرِ
وَالْحَافِظُونَ لِحُدُودِ اللَّهِ وَبَشِّرِ الْمُؤْمِنِينَ﴾

Those who repent, who worship [Him Alone], who praise [Him], who fast, who bow down, who prostrate themselves, who enjoin good and forbid evil, and who observe the limits set by Allāh. And give glad tidings to the believers.³⁶⁹

There is a difference of opinion among the scholars of interpretation regarding this noble verse, some stating that it is connected to the one that immediately precedes it, thus being a condition that must be fulfilled by those included within the covenant.³⁷⁰ Ibn ‘Aṭīyyah رَحِمَهُ اللهُ, in what appears to be a rejection of this view, stated that, “this statement narrows and restricts [the issue], however the meaning of the verse is as the statements of the scholars and the *Shar’* necessitate, which is that they are the perfect qualities of the believers. Allāh mentions them [here] so that the people of *Tawḥīd* would compete with one another in order to be [included] within the highest

³⁶⁸ *Tafsīr Ibn Kathīr* (4/363)

³⁶⁹ *Sūrah at-Tawbah* (9):112

³⁷⁰ The verse referred to here is verse (9:111) of *Sūrah at-Tawbah*

ranks.”³⁷¹ Undeniably, the believers are required to strive to exemplify and perfect moral conduct, for this is also a type of *Jihād*: one that is waged against the internal enemy [i.e. the *Nafs*] and Shayṭān.

The popular cause

Indeed, such noble characteristics are essential for maintaining cohesion in the ranks of the *Mujāhidīn*, as well as for resolving disputes and uniting the hearts of the believers. For the Muslim endowed with these qualities lives among the people in a moral and just manner, should a dispute arise between himself and another Muslim, or between two other Muslims, he does not hesitate to refer the case to Allāh ﷻ and His Messenger ﷺ and to humbly accept and submit to their judgement. This is the true believer, and the likes of such individuals in the ranks of the *Mujāhidīn* does not only help to maintain unity, rather it is one of the factors that contribute to victory, by the Grace of *Ar-Raḥmān*.

As previously mentioned, less direct means may be required in order to unite the Muslim masses under the banner of *Tawḥīd* and *Jihād*. This is because the enemies of Islām consistently portray the conflict between the camp of *Īmān* and the camp of *Kufr* as a campaign against *extremists*, who identify themselves as Muslims but who do not represent the religion. They assert that the *extremists* are a threat to world peace, as they seek to promote a distorted version of Islām and resort to violent means to achieve their aims. This narrative aims to discredit the *Mujāhid's* cause, demonise him in the hearts and minds of the Muslim masses, and thereby detach the defenders of *Tawḥīd* from their support base. Sadly, to some extent the enemies of Islām have achieved some success in this regard, as not only is a large section of the *Ummah* detached from the Islamic movement, the *Mujāhid* is generally perceived to be an enemy even by those for whose rights and honour he strives to protect.

Such indirect means would include what has been previously mentioned regarding influencing public opinion, by exploiting popular grievances, highlighting government atrocities violations of civil liberties, and the likes.

³⁷¹ *Al-Jāmi' li' Ahkāmīl-Qur'ān* (8/585)

Indeed, tactics of this nature serve as a preliminary means to reconcile and unite the hearts of the believers, irrespective of ethnicity, geographical location, social status, or level of religious knowledge and commitment. They are effective in reconnecting the general Muslim communities and populations to the universal Islamic body, the organs of which respond to each other's pain, as was described by the Messenger of Allāh ﷺ in the *Ḥadīth*.³⁷² Shaykh Abū Mus'ab as-Sūrī describes this as *Islamic sympathy and compassion*, which he argues is the first stage of the call to global Islamic resistance, stating "This sympathy and compassion causes the one who possesses it to participate in the field of civil resistance or the sympathetic reactions that correspond to the raging of such sentiments [that are present] in the depth of the heart."³⁷³

Although under normal circumstances the Muslims are required to wage an offensive *Jihād* against the disbelievers, the principle aim of which is to bring the people into the servitude of their Lord, it is important to understand that the contemporary conflict with which the *Ummah* is confronted is a defensive struggle. It is a response to the mass atrocity crimes that are systematically committed against the Muslims in places such as Palestine, Afghanistan, Iraq, Syria, Somalia, and the likes. Indeed, it is the answer to the prayers of the oppressed who have been failed by the UN's R2P and thus cry out:

﴿وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ
الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ
الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَّنَا مِن لَّدُنكَ وَلِيًّا وَاجْعَل لَّنَا مِن
لَّدُنكَ نَصِيرًا﴾

³⁷² *Ṣaḥīḥ Muslim* (2586)

³⁷³ 'Umar 'Abdul-Ḥakīm a.k.a. Abū Mus'ab as-Sūrī, *The Call to Global Islamic Resistance*, December 2004

“Our Lord! Rescue us from this town whose people are oppressors; and raise for us from You one who will protect, and raise for us from You one who will help.”³⁷⁴

The *Jihād* today is being waged to liberate the lands and Holy sites of Islām from the occupying forces of the external enemy and their allies from among the apostate rulers. It is a campaign to defend Islām and its authority, its people, its heritage, its values, and its traditions against those who have invaded the Islamic homeland under the banner of waging a war “not just against terrorism but about how the world should govern itself in the early 21st century”, a conflict which they say is “about global values”.³⁷⁵

Therefore, in order to gain the support of the *Ummah*, the *Mujāhid* must appeal to their hearts and minds, highlighting the terrible plight of their oppressed brethren and drawing the attention of the Muslim masses to the onslaught that is being unleashed against their religion and its values. He must understand that a vicious media campaign is being waged against Islām, distorting its message and the people’s perception thereof. Hence, he must address them in a manner that paves the way for a more direct approach, as per the advice of Alī Abī Ṭālib رَضِيَ اللَّهُ عَنْهُ who said, “Speak to the people according to that with which they are acquainted, would you like that Allāh and His Messenger should be denied?”³⁷⁶

So, although the *Mujāhidīn* are the vanguard of the *Ummah*, they must not forget that the believers are but one body: one that is bound together by the bond of *Imān*. It is this sacred bond that not only obliges them to repel “the assailing enemy who corrupts the religion and the worldly affairs”,³⁷⁷ but it also requires them to unite the *Ummah* under the banner of *Tawḥīd* and *Jihād*, as Allāh ﷻ says:

﴿وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ
وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ﴾^(١٢٤)

³⁷⁴ *Sūrah an-Nisā’* (4):75

³⁷⁵ Tony Blair, *An Arc of Extremism*, an address to the World Affairs Council in Los Angeles, 01 August, 2006

³⁷⁶ *Ṣaḥīḥ al-Bukhārī: Kitābul- ‘Ilm* (127)

³⁷⁷ *Al-Fatāwā al-Kubrā* (4/608)

***Let there arise out of you a group of people inviting to all
that is good, enjoining al-Ma'rūf [all that Islām orders]
and forbidding al-Munkar [all that Islām has forbidden].
And it is they who are the successful.***³⁷⁸

³⁷⁸ *Sūrah Āli 'Imrān* (3):104

Respecting One's Covenants

﴿وَالَّذِينَ هُمْ لِأَمْتِنَتِهِمْ وَعَهْدِهِمْ رَاعُونَ﴾

***Those who are faithfully true to their Amānāt and to their
covenants.***

Sūrah al-Mu'minūn (23):8

Islām is the religion of truth and justice, it instructs its adherents to uphold these noble principles and warns against betraying them. And from among the principles of truth and justice is the noble act of fulfilling the covenants into which one enters and the oaths that one makes, thus Allāh ﷻ says:

﴿وَأَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا﴾

And fulfil the covenants [taken in the Name] of Allāh when you have taken them, and do not break the oaths after you have confirmed them.³⁷⁹

He ﷻ also said:

﴿وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا﴾

And fulfil the covenant; indeed, the covenant [is something that one] will be questioned about.³⁸⁰

Imām Ibn Kathīr says that Allāh's statement, "***And fulfil the covenant***", refers to, "Everything that you promise people, and the covenants that you agree to, because the person who makes a covenant or a promise will be asked about it".³⁸¹ Indeed, this is a major issue, as the Messenger of Allāh ﷺ warned the *Ummah* against this sin, stating that:

لكل غادر لواء يوم القيامة يرفع له بقدر غدره، ألا ولا غادر
أعظم غدرًا من أمير عامة

"On the Day of Judgement a flag will be raised for every betrayer, according to the extent of his betrayal; and there

³⁷⁹ *Sūrah an-Nahl* (16):91

³⁸⁰ *Sūrah al-Isrā'* (17):34

³⁸¹ *Tafsīr Ibn Kathīr* (3/38)

*is no betrayal that is greater than [the treachery committed by] the leader of the people.”*³⁸²

A trait of Nifāq

It has previously been mentioned that Allāh's Messenger ﷺ was “*on an exalted [standard of] character.*”³⁸³ His speech was a reflection of the divine revelation, which he also exemplified with his mode of conduct. And since the Muslim is required to follow his example, violating one's covenants are therefore not benefitting of him. Moreover, the believer has been described as a person who honours his agreements and promises. He is far removed from being characterised as someone who does not uphold the pledges that he makes, as the successful believers have been described as those who:

﴿لَا مَنَّتِهِمْ وَعَهْدِهِمْ رَاعُونَ﴾

*...are faithfully true to their Amānāt and to their covenants.*³⁸⁴

Imām ibn Kathīr رحمه الله says, “When they are entrusted with something, they do not betray that trust, rather they fulfil it, and when they make a promise or make a pledge, they are true to their word.”³⁸⁵

Dishonouring one's promises and covenants is a practise of those who have drawn upon themselves the Wrath of Allāh ﷻ, namely the Jews about whom He says:

﴿أَوْ كَلَّمَا عَاهَدُوا عَهْدًا تَبَدَّاهُ فَرِيقٌ مِّنْهُمْ بَلْ أَكْثَرُهُمْ لَا يُؤْمِنُونَ﴾

³⁸² Ṣaḥīḥ Muslim (1738)

³⁸³ Sūrah al-Qalam (68):4

³⁸⁴ Sūrah al-Mu'minūn (23):8

³⁸⁵ Tafsīr Ibn Kathīr (3/226)

***Is it not [the case] that every time they make a covenant,
some party among them throw it aside? Nay! Most of
them believe not.***³⁸⁶

Al-Ḥasan al-Baṣrī رَحِمَهُ اللهُ، regarding Allāh's statement, "***Nay! Most of them believe not***", said, "There is not a promise that they make, but they break it and abandon it. They make a promise today and break it tomorrow."³⁸⁷ Disregarding one's covenants and breaking promises is therefore contrary to *Īmān*; it is but a characteristic of the Jews and a trait of *Nifāq*, as the Messenger of Allāh ﷺ said:

أربع من كن فيه كان منافقاً خالصاً، ومن كانت فيه خلة منهن
كانت فيه خلة من نفاق حتى تدعها: إذا حدث كذب، وإذا
عاهد غدر، وإذا وعد أخلف، وإذا خاصم فجر

*"There are four characteristics, whoever possesses them
all is a sheer Munāfiq, and whoever has one of these traits
then he has a trait of Nifāq until he gives it up: when he
speaks he lies, when he makes a covenant he betrays it,
when he promises he breaks it, and when he disputes he
resorts to obscene speech."*³⁸⁸

Despite the nobility of the *Mujāhid's* cause, he is not exempt from fulfilling his obligations in relation to the treaties, agreements, and truces that he ratifies with the disbelieving enemy. Thus Ḥudhayfah bn. al-Yamān رَضِيَ اللهُ عَنْهُ said, "Nothing prevented me from attending [the battle of] Badr except that I came out with my Father Husayl, then we were caught by the disbelievers of Quraysh. They said, 'You intend to go to Muḥammad'. We said, 'We do not intend to go to him, but we intend to go to Madīnah'. So, they took a covenant in the Name of Allāh that we would go back to Madīnah and would not fight on his side. When we came to the Messenger of Allāh we informed him about the incident. He said:

³⁸⁶ *Sūrah al-Baqarah* (2):100

³⁸⁷ *Tafsīr Ibn Kathīr* (1/117)

³⁸⁸ *Ṣaḥīḥ al-Bukhārī* (3178), *Ṣaḥīḥ Muslim* (58) [The wording is that of Muslim]

انصرفا نفي لهم بعهدهم ونستعين بالله عليهم

“Both of you proceed [to Madīnah], we will fulfil the covenant made with them and seek Allāh’s help against them.”³⁸⁹

An important condition

Thus despite the importance of the battle of Badr, Ḥudhayfah and his father (رضي الله عنهما) were commanded to fulfil their obligations in regards to the covenant that they had with the Quraysh. This incident indicates that irrespective of the virtue of one’s mission, the Muslim must not fall short in honouring the pacts and agreements into which he enters. However, this rule is applicable only if the conditions stipulated in the covenant do not make the Ḥarām matters Ḥalāl, or make the Ḥalāl matters Ḥarām, as the Messenger of Allāh (ﷺ) said:

الصلح جائز بين المسلمين إلا صلحاً حرم حلالاً أو أحل
حراماً، والمسلمون على شروطهم إلا شرطاً حرم حلالاً أو أحل
حراماً

“Reconciliation is permissible between the Muslims, except for such reconciliation that makes the Ḥalāl Ḥarām, or the Ḥarām Ḥalāl. And the Muslims are bound by their conditions, except conditions that make the Ḥalāl Ḥarām, or the Ḥarām Ḥalāl.”³⁹⁰

And it is from this Ḥadīth, and the likes thereof, that the scholars of Uṣūl derive the principle that states, *The basic rule regarding conditions is [that] they are valid and binding, except for that which opposes the Shar’.*³⁹¹

³⁸⁹ Ṣaḥīḥ Muslim (1787)

³⁹⁰ Jāmi’ at-Tirmidhī (1352)

³⁹¹ This principle is expressed in Arabic as, [الأصل في الشروط الصحة واللزوم إلا ما خالف الشرع]

Conditions that oppose the *Shar'* are thus invalid and rejected, as the Messenger ﷺ also said:

فما بال رجال منكم يشترطون شروطاً ليست في كتاب الله،
فأیما شرط ليس في كتاب الله فهو باطل، وإن كان مئة شرط

“What is the matter with [some of the] men from among you, [those who] stipulate conditions that are not present in the Book of Allāh? Any condition that is not in the Book of Allāh is invalid, even if they were hundred conditions.”

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The basic rule

Additionally, it is important to note that it is not permissible for the *Mujāhid* to enter a covenant that harms the Muslims, as this would be contrary to the purpose for which he bears arms. This is the general rule regarding this issue; however, should there be a clash of *Maṣāliḥ* while contracting an agreement with the enemy, the priority must be given to the most important thereof.³⁹³ This was the situation the Messenger of Allāh ﷺ was faced with at Ḥudaybiyyah, when he agreed to return the believing men who fled from the persecution that they were subjected to in Makkah. And from among the lessons to be derived from this incident is, “That to make a peace treaty with the *Mushrikīn*, some of which entails injustice [or harm] to the Muslims, is permissible [in order to secure] a greater *Maṣlaḥah* and to repel what is more evil than it. In it [i.e. Ḥudaybiyyah] is the [act of] repelling the greater of two evils with the probability of the lesser of the two [occurring].”³⁹⁴

The Messenger of Allāh ﷺ agreed to the conditions stipulated at Ḥudaybiyyah, despite that it entailed harm for the oppressed Muslims in Makkah, as the *Maṣlaḥah* of *Tawḥīd* takes precedence over the *Maṣāliḥ* of

³⁹² *Ṣaḥīḥ al-Bukhārī* (2563)

³⁹³ This issue has previously been discussed in more detail in the chapter entitled *Prioritising the Maṣāliḥ of Jihād* on p.86 of this work

³⁹⁴ *Zādul-Ma'ād* (2/129)

the slaves. Such is the case even though the basic rule regarding the blood, wealth, and honour of the Muslim is that it is protected under Islamic law. As for the disbelievers, the basic rule regarding their wealth and blood is that it is permissible for the Muslim to expropriate and spill respectively. The divine texts are explicitly clear on this point, all indicating that as a general principle the disbeliever's wealth and blood is not protected under Islamic law. For instance, the Messenger of Allāh ﷺ said:

أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمداً
رسول الله، ويقيموا الصلاة، ويؤتوا الزكاة، فإذا فعل ذلك
عصموا مني دماءهم وأموالهم إلا بحق الإسلام، وحسابهم على
الله

"I was commanded to fight the people until they testify that there is none worthy of worship except Allāh and that Muḥammad is the Messenger of Allāh, and establish the Ṣalāh and give the Zakāh. If they do that, then they safeguard their blood and wealth from me, except that which is the right of Islām, while their reckoning is with Allāh." ³⁹⁵

The disbelievers are therefore primarily fought as a result of their *Kufr*; their initiation of hostilities against the Muslims in the Islamic homeland only serves to intensify the obligation of *Jihād*. *Kufr* is thus the principal cause for waging war against the enemy, so as long as they persist in their corrupted beliefs and practices, their blood and wealth remain permissible for the Muslims. For indeed, man has been created in order to lead a life of servitude to his Lord, while wealth has been created in order to facilitate this noble purpose. The disbeliever uses neither his life nor his wealth to fulfil this obligation, therefore he does not deserve either of them.

In explaining the wisdom behind referring to the wealth of the disbelievers that falls into the possession of the Muslims without a fight as *Fay'*, *Shaykul-Islām* Ibn Taymiyyah رَحِمَهُ اللهُ says, "It has been called *Fay'* because Allāh has

³⁹⁵ Ṣaḥīḥ al-Bukhārī (25)

Afā'ahu [أفأءه] to the Muslims, meaning He has returned it to them. For the fundamental principle is that Allāh has created wealth to assist in worshipping Him, as He has only created the slaves so that they worship Him. Hence, the disbelievers have made their lives, which they do not use to worship Him, and their wealth, which they do not use to aid them in His 'Ibādah, permissible for His believing slaves who worship Him."³⁹⁶ Such is the basic rule regarding the blood and wealth of those who disbelieve in Allāh and the Last Day, and it is only by either embracing Islām or entering into a legitimate covenant with the Muslims that they can safeguard their lives and possessions.

As for the preservation of blood and wealth through embracing Islām, the aforementioned *Hadīth* clearly indicates that by performing this act one safeguards them both. However, those who choose to remain in a state of *Kufr* can safeguard their lives and wealth only by means of entering into a legitimate covenant with the Muslims. This can be understood from the Messenger's [ﷺ] statement:

من قتل معاهداً لم يرح رائحة الجنة، وإن ريحها توجد من
مسيرة أربعين عاماً

“Whoever kills a *Mu'āhad* ³⁹⁷ will not smell the scent of Jannah, despite that its scent can be perceived from a distance of forty years.” ³⁹⁸

This *Hadīth* indicates that it is not permissible to kill any disbeliever with whom one has conducted a legitimate covenant. That is to say, the *Mu'āhad* is exempt from the basic ruling regarding the blood and wealth of the disbelievers. Other exceptions to this general rule include women, children, monks, the insane, and the feeble old-aged men from among those who disbelieve. So long as the people that belong to these categories do not fight against the Muslims, either in word or deed, they are exempt from the general rule and thus it is not permissible to intentionally target them.

³⁹⁶ *At-Ta'līqāt 'alā As-Siyāsatush-Shar'īyyah* (pgs.120&121)

³⁹⁷ This is the person who has entered into a legitimate covenant of *Amān* with the Muslims

³⁹⁸ *Ṣaḥīḥ al-Bukhārī* (3166)

The disbeliever who falls under this general rule is referred to as a *Ḥarbī* [a combatant] according to the *Shar'*, irrespective of whether he actively participates in hostilities against the Muslims or not.³⁹⁹ The same rule applies to *Dārul-Kufr*: a land in which the disbelievers are in authority and that is governed with the laws of *Kufr*. That is to say, any land in which the authorities are not Muslims, and that is governed by other than the Islamic *Sharī'ah*, is essentially a *Dār* of *Kufr* [a land of disbelief], for Allāh says:

³⁹⁹ Whenever an attack is carried out by the *Mujāhidīn* in the lands of the disbelievers, it is quite common for many Muslims, leaders and laymen alike, to assert that Islām prohibits the intentional targeting of civilians from among the disbelievers. The problem regarding this issue, however, begins with the terminology used to determine legitimate or illegitimate targets, according to the *Sharī'ah*; the term *civilian* is a prime example in this regard.

The Oxford Dictionary defines this term as *a person who is not a member of the armed forces or the police*, a definition that is clearly at odds with the criteria stipulated by Islamic law. As the disbelievers' membership or non-membership of the armed services or the police force is not a factor that is considered in the *Sharī'ah*, when determining whether it is permissible to intentionally target them or not. It is important to note that the Messenger of Allāh ﷺ said, "I was commanded to fight the people until they testify that there is none worthy of worship except Allāh and that Muḥammad is the Messenger of Allāh, and establish the *Ṣalāh* and give the *Zakāh*. If they do that, then they safeguard their blood and wealth from me, except that which is the right of Islām, while their reckoning is with Allāh." [*Ṣaḥīḥ al-Bukhārī* (25)] Therefore, the principle reason for fighting against the disbelievers is due to their *Kufr*: disbelief in Allāh and His Messenger is what justifies intentionally targeting the disbelievers. However, the *Sharī'ah* divides the disbelievers into a number of categories in relation to the laws governing war. These categories can essentially be divided into two groups: non-combatants and combatants. Those who are included within the first group include women and children, the elderly, the blind and disabled, those suffering from a chronic illness, monks, and the likes. The wisdom behind exempting these categories of people from the general ruling is that traditionally they do not participate in the fight. Thus when he came across the corpse of a woman who had been killed during one of the battles, the Messenger of ﷺ Allāh said, "She was not of those who fight." [*Sunan Abī Dāwūd* (2669), *Musnad Aḥmad* (15562)]

As for the disbelieving male adult, who is sane and free, he is regarded as a *Ḥarbī* [combatant] and is therefore a legitimate target for the *Mujāhidīn*, irrespective of whether he is a member of the armed services or not. To assert that deliberately killing such individuals is impermissible, due to not being members of the armed services or police, is to legislate a law that opposes the Law of Allāh and to stipulate a condition that is not found in His Book, while He تعالى says: "Or have they partners with Allāh who have legislated for them a religion for which Allāh has not granted any permission?" [*Sūrah ash-Shūrā* (42):21]

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾

And whosoever does not judge by what Allāh has revealed, such are the disbelievers.⁴⁰⁰

Imām Ibn Qayyim al-Jawzīyah رَحِمَهُ اللَّهُ highlights the distinguishing factor between *Dārul-Islām* and *Dārul-Kufr*, stating that, “*Dārul-Islām* is that [land in] which the Muslims dwell and that is governed by the laws of Islām. As for that [land] which is not governed by the laws of Islām, it is not *Dārul-Islām*, even if it adjoins [i.e. neighbours] it.”⁴⁰¹

Covenants of Amān

Consideration is therefore given to *who* and *what* is governing a particular society when classifying lands, as such determines the ruling regarding its status of being either a *Dār* of Islām or one of *Kufr*. And as is the case with the original disbeliever, the basic rule regarding the *Dārul-Kufr* is that it is a *Dār* of *Ḥarb* [an abode of war], even if it is not actively at war with the Islamic state, as Allāh ﷻ says:

﴿وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ لِلَّهِ فَإِنْ
أَنْتَهُوا فَلَا عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ﴾

And fight them until there is no more Fitnah and the religion is [all] for Allāh [Alone]. But if they cease, let there be no aggression except against wrongdoers/oppressors.⁴⁰²

Hence, the general rule regarding *Dārul-Ḥarb* and its disbelieving habitants is one of blood shed, plunder, and humiliation. And like the case of the individual *Ḥarbī*, such hostilities will continue until the disbelieving state

⁴⁰⁰ *Sūrah al-Mā'idah* (5):44

⁴⁰¹ *Aḥkāmu Ahl'idh-Dhimmah* (1/366)

⁴⁰² *Sūrah al-Baqarah* (2):193

either accepts Islām, or enters into a legitimate covenant of *Amān* with the believers.

For the sake of clarity, before discussing the various types of such *Amān*, it is important to define this term. The Arabic word *Amān* [أمان] is the verbal noun of *Amīna* [أمن], which conveys the meaning of feeling *safe* and *secure*. There are various derivatives of this term, such as *Ammana* [أمن], which means *to reassure* or *safeguard*, and *Āmana* [آمن], which denotes belief in something, or to grant somebody safety, security, or protection. For instance, Allāh ﷻ says:

﴿فَلْيَعْبُدُوا رَبَّ هَذَا الْبَيْتِ ۚ الَّذِي أَطْعَمَهُمْ مِنْ جُوعٍ وَعَآمَنَهُمْ مِنْ

خَوْفٍ ۚ﴾

So, let them worship the Lord of this House. Who has fed them against hunger, and has made them safe [آمنهم] from fear.⁴⁰³

Another example is present in the traditional farewell greeting often said by one Muslim to another, *Fī Amānil-lāh* [في أمان الله], which literally means *in Allāh's security or protection*. The noble verse quoted above indicates that the term *Amān*, and its related derivatives, is the opposite of *Khawf* [الخوف], which means fear. This is also apparent in Allāh's statement:

﴿وَعَدَ اللَّهُ الَّذِينَ ءَامَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ
لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ
وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ الَّذِي ارْتَضَىٰ لَهُمْ وَلَيُبَدِّلَنَّهُمْ مِنْ بَعْدِ
خَوْفِهِمْ أَمْنًا يَعْبُدُونَنِي لَا يُشْرِكُونَ بِي شَيْئًا وَمَنْ كَفَرَ بَعْدَ
ذَلِكَ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ ۖ﴾

Allāh has promised those among you who believe and do righteous good deeds, that He will certainly grant them

⁴⁰³ *Sūrah Quraysh* (106):3&4

succession in the land, as He granted it to those before them, and that He will grant them the authority to practise their religion which He has chosen for them. And He will surely give them in exchange security [أمناً] after their fear [خوفهم], [if] they worship Me and do not associate anything with Me. But whoever disbelieves after this, they are the rebellious.⁴⁰⁴

With this understood, it is important to note that there are different types of covenants, according to Islamic law, that guarantee *Amān* for those who enter into them. Such agreements include:

- ***Adh-Dhimmah [الذمة]***: this is an agreement of safety and protection of the disbeliever's life and property. It is not considered in relation to a specific time, rather it remains effective as long as the disbeliever fulfils the conditions stipulated by the Muslims. This covenant is contracted when the disbeliever agrees to pay the *Jizyah*⁴⁰⁵ and to abide by Islamic law whilst residing in *Dārul-Islām*, in return for the protection of their lives and property. The basis for the legality of this practice is Allāh's statement:

﴿قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ﴾^(٢٩)

Fight against those who believe not in Allāh, nor in the Last Day, nor forbid that which has been forbidden by Allāh and His Messenger, and those who acknowledge not the religion of truth from among the People of the Book, until they pay the Jizyah in willing submission, while in a state of humiliation.⁴⁰⁶

⁴⁰⁴ *Sūrah an-Nūr* (24):55

⁴⁰⁵ For a more detailed discussion regarding the payment of the *Jizyah*, refer to *Imām al-Qurṭubī's Al-Jāmi' li 'Aḥkāmīl-Qur'ān*, under the *Tafsīr* of *Sūrah at-Tawbah* (9):29

⁴⁰⁶ *Sūrah at-Tawbah* (9):29

The *Dhimmī*, in return for paying the agreed upon rate of *Jizyah*, is afforded full state protection in regards to his life, family, and his wealth. In addition, he is not obliged to fulfil any military obligations or to pay the *Zakāh*, nor is he compelled to renounce his religion and his corrupted beliefs, as Allāh ﷻ says:

﴿لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ
بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدْ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَى لَا
أَنْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ﴾

There is no compulsion in religion. Indeed, the right path has become distinct from the wrong path. Whoever disbelieves in the Ṭāghūt and believes in Allāh, then he has grasped the most trustworthy handhold that will never break. And Allāh is All-Hearer, All-Knower.⁴⁰⁷

This type of *Amān* can only be granted by the *Imām* of the Muslims, or his deputy.

- **Aṣ-Ṣulḥ [الصلح]:** a truce or an agreement that involves the cessation of hostilities between *Dārul-Islām* and *Dārul-Kufr*, or between the state and an armed group, or between two or more armed groups, for a specified period of time. During this period, the parties involved are safe from each other's harm in regards to life and property and do not aid each other's enemies against one another. The treaty of Ḥudaybiyyah serves as an example of this type of *Amān*. Some of the '*Ulamā*' opine that this type of agreement should not exceed a period of ten years, relying upon the treaty of Ḥudaybiyyah as the basis for this ruling. Others state that the time period is determined by the situation and the interests and needs of the Muslims involved in the agreement, even if this extends past the ten year period. The legality of such agreements, as well as the evidence that this practice has not been abrogated, is found in the Prophet's statement:

⁴⁰⁷ *Sūrah al-Baqarah* (2):256

ستصالحون الروم صلحاً آمناً، وتغزون أئتم وهم عدواً من وراءكم

*“You will make a secure peace agreement with Rome, then you and them will fight [against] an enemy behind you [together].”*⁴⁰⁸

The practice of the *Ṣaḥābah*, such as Mu'āwiyah bn. Sufyān's bilateral peace treaty with the Romans, also indicates that they did not consider signing pacts of non-aggression with the disbelievers as an abrogated practice.⁴⁰⁹

- ***Amānur-Rusul* [أمان الرسل]:** this was a tradition that was observed by the people during the lifetime of the Messenger ﷺ, irrespective of their religious beliefs and practices, which. This unwritten rule stipulated that those conveying a message from one state to another, or between two or more tribes or communities, were not to be harmed or molested during the process. The Messenger ﷺ confirmed this tradition when Musaylimah the liar [لعنه الله] sent an emissary to him. *Imām* Ibn Kathīr رَحِمَهُ اللهُ, in relation to this incident, said, “When Musaylimah the Liar sent an emissary to the Messenger of Allāh, he ﷺ asked him, ‘Do you testify that Musaylimah is a messenger from Allāh?’ He said, ‘Yes’. The Messenger of Allāh said:

لولا أنّ الرسل لا تقتل لضربت عنقك

‘I would have cut off your head, were it not that emissaries are not killed.’

That man, Ibn an-Nawwāhah, was later beheaded when ‘Abdullāh bn. Mas’ūd رَحِمَهُ اللهُ عَنهُ was the governor of al-Kūfah. When it became known that he still testified that Musaylimah was a messenger from Allāh, Ibn Mas’ūd summoned him and said to him, ‘You are not delivering a message now!’ He commanded that Ibn an-Nawwāhah

⁴⁰⁸ *Sunan Abī Dāwūd* (2767), authenticated by al-Albānī

⁴⁰⁹ Refer to Ibn Kathīr's *Tafsīr* (2/293) of *Sūrah al-Anfāl* (8):58 for further details

be decapitated, may Allāh curse him and deprive him of His mercy.”
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- ***Al-Jiwār* [الجوار]:** should any of the disbelievers seek refuge, protection, or safe passage from the Muslims, in order to learn about Islām, then it should be granted to them, as Allāh ﷻ says:

﴿وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلِمَ
اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ۚ ذَٰلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ﴾⁴¹⁰

And if anyone from among the Mushrikīn seeks your protection, then grant him protection so that he may hear the Word of Allāh and then escort him to his place of safety and security; that is because they are people who know not.⁴¹¹

Some of the people of knowledge state that the apparent of this noble verse indicates that this type of *Amān* is reserved exclusively for those who desire to hear the message of the Qur’ān. They argue that granting such protection for other reasons is determined by what it entails of benefits for the Muslims.⁴¹² However, *Imām* Ibn Kathīr states that:

“Ibn Abī Najīh narrated that Mujāhid said that this verse, ‘Refers to someone who comes to you to hear what you say and what was revealed to you [O Muḥammad]. Therefore, he is safe until he comes to you, hears Allāh’s Words and then proceeds to the safe area from where he came’. The Messenger of Allāh ﷺ used to thereafter grant safe passage to those who came to him for guidance or to deliver a message.”

The *Imām* concluded his commentary on this verse, adding that, “Those who come from *Dārul-Ḥarb* to *Dārul-Islām*, delivering a message, for business transactions, to negotiate a peace treaty, to pay

⁴¹⁰ *Tafsīr Ibn Kathīr* (2/307)

⁴¹¹ *Sūrah at-Tawbah* (9):6

⁴¹² Refer to *Al-Jāmi’ li’Aḥkāmīl-Qur’ān* (8/427)

the *Jizyah*, to offer an end to hostilities, and so forth, and request safe passage from Muslim leaders or their deputies, should be granted safe passage, as long as they remain in Muslim areas, until they go back to their land and sanctuary.”⁴¹³

Some important notes

It is necessary to briefly highlight some points related to the discussion at hand, so as to clarify some of the common contemporary misconceptions surrounding covenants of *Amān* in Islām.

- That an Islamic state or group may have a covenant of *Amān* with *Dārul-Kufr*, or a group from among the disbelievers, does not necessitate that *all* of the Muslims are bound by the conditions of this agreement. This is confirmed in the book of Allāh ﷻ, as well as in the *Sīrah* of the Prophet ﷺ. For instance, Allāh ﷻ says:

﴿إِنَّ الَّذِينَ ءَامَنُوا وَهَاجَرُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ
وَالَّذِينَ ءَاوُوا وَنَصَرُوا أُولَٰئِكَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَالَّذِينَ ءَامَنُوا
وَلَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلِيَّتِهِمْ مِنْ شَيْءٍ حَتَّىٰ يُهَاجِرُوا وَإِنِ
أَسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمُ النَّصْرُ إِلَّا عَلَىٰ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ
مِيثَاقٌ وَاللَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ﴾ (٧٢)

Verily, those who believed, and emigrated and waged Jihād with their property and their lives in the cause of Allāh, as well as those who gave [them] asylum and help, these are [all] Awliyā to one another. And as for those who believed but did not emigrate, you owe no duty of protection to them until they emigrate, but if they seek your help in religion, then it is your duty to help them

⁴¹³ *Tafsīr Ibn Kathīr* (2/307)

except against a people with whom you have a covenant [of peace]; and Allāh is the All-Seer of what you do.⁴¹⁴

This noble verse indicates that it is possible for a group believers to be engaged in hostilities against a particular group of disbelievers, while a legitimate covenant of *Amān* exists between another group of Muslims and the same disbelieving force. In such a situation it is not permissible for the Muslims to betray the agreement that they have contracted with the enemy, even for the purpose of coming to the aid of another group of believers. In relation to the above quoted verse, Shaykh ‘Abdur-Raḥmān bn. Nāṣir as-Sa’dī رَحِمَهُ اللهُ says, “And His تعالى statement, ‘except against a people with whom you have a covenant [of peace]’, means a covenant of non-aggression. So, if a specific group of believers, who have not emigrated, intend to fight them [i.e. the disbelievers], then you should not aid them against them, due to the covenant that exists between you and them.”⁴¹⁵

The well-known story of Abū Baṣīr رَضِيَ اللهُ عَنْهُ serves as an excellent example from the *Sīrah* of a group of Muslims being engaged in a military conflict with the disbelievers, while another group of the believers are bound by the conditions of a non-aggression pact contracted with the same enemy force.⁴¹⁶ This incident also demonstrates that the group of believers who have a covenant with the enemy bear no responsibility for the group of Muslims who are not included in this agreement, and who engage the disbelieving forces, as was observed by *Imām* Ibn Qayyim:

“If they [the disbelievers] enter into a covenant with the *Imām*, then a group [of believers] emerge from among them [i.e. the enemy’s territory], waging war against them and seizing their wealth without retreating to the *Imām*, then it is not obligatory

⁴¹⁴ *Sūrah al-Anfāl* (8):72

⁴¹⁵ *Taysīrul-Karīmīr-Raḥmān fī Tafsīri Kalāmīl-Mannān* (p.304)

⁴¹⁶ For more details regarding the story of Abū Baṣīr refer to *Ṣaḥīḥ al-Bukhārī: the Book of Conditions* (2731)

upon the *Imām* to restrain or prevent them from them [i.e. the disbelievers].”⁴¹⁷

- While the *Amān* of *Dhimmah* can only be granted by the *Imām*, a covenant of *Jiwār* can be granted to a disbeliever by Muslim leaders, officials, and laymen alike. So long as such agreements do not violate any principles of Islamic law, they must be honoured and respected, irrespective of whether they are granted by a man or a woman. This is supported by the Prophet’s statement:

ذمة المسلمين واحدة، يسعى بها أدناهم

“The asylum granted by the Muslims is one [hence, it must be respected by all], even if it is granted by the lowest [in status] from among them.”⁴¹⁸

The Messenger [ﷺ]’s response to what occurred between ‘Alī bn. Abī Ṭālib and Umm Hānī bint Abī Ṭālib رَضِيَ اللَّهُ عَنْهَا, when the latter granted such *Amān* to one of the disbelievers, also indicates that the *Amān* of *Jiwār* remains valid even when granted by a woman. Umm Hānī narrated this incident, saying, “I went to Allāh’s Messenger ﷺ during the year of the conquest and found him taking a bath, while his daughter Fāṭimah was screening him. I greeted him and he asked, ‘Who is that?’ I said, ‘It’s me, Umm Hānī bint Abī Ṭālib.’ He said, ‘Welcome, O Umm Hānī.’ When he had finished his bath, he stood up and offered eight *Rak’āt* [units of prayer] while dressed in one garment. I said, ‘O Allāh’s Messenger! My mother’s son’⁴¹⁹ ‘Alī has declared that he will kill a man to whom I have granted asylum [*Jiwār*]. The man is so and-so bn. Hubayrah.’ Allāh’s Messenger said:

⁴¹⁷ *Zādul-Ma’ād* (2/131)

⁴¹⁸ *Ṣaḥīḥ al-Bukhārī* (6755), *Ṣaḥīḥ Muslim* (1371)

⁴¹⁹ Referring to her brother as her *mother’s son* was merely an expression of her displeasure with his behaviour.

قد أجرنا من أجرت يا أم هاني

‘O Umm Hānī! We will grant asylum to the one whom you have granted asylum’.”⁴²⁰

- It is not permissible for an individual Muslim to grant *Dārul-Kufr*, or a large group of disbelievers, a covenant of *Amān*. Rather, he or she can only grant such protection to an individual or a small group from among them. *Imām* Ibn al-Qudāmah رَحِمَهُ اللهُ explains the wisdom behind this ruling, stating that:

“The *Amān* granted by the *Imām* to the disbelievers in their entirety is accepted, because his jurisdiction extends over the Muslims in general. Likewise, the *Amān* of the *Amīr*, [which he grants] to those who he has been commissioned to confront from among the *Mushrikīn*, is [also] accepted. As for others besides them, then he is like any other Muslim, as his jurisdiction only extends to fighting these [specific enemies] besides other than them [from among the disbelievers]. And the *Amān* of Muslim individuals [which is granted] to an individual, or ten individuals, a small caravan or fortress, is [also] accepted. However, his [granting] *Amān* to the people of a [whole] land, villages, or a large group, then this is not accepted as this would lead to the suspension of *Jihād*, as well as an act of treason against the *Imām*.”⁴²¹

- Should a Muslim enter the lands of the disbelievers after contracting a covenant of *Amān* with them, then he or she is obliged to honour the agreement and to refrain from violating their blood or their wealth. *Imām* ash-Shāfiʿī رَحِمَهُ اللهُ says:

“If a Muslim man should enter *Dārul-Ḥarb* with *Amān* and is able to [take] some of their wealth, then it is not *Ḥalāl* for him to take anything therefrom, [whether it is a] small or large

⁴²⁰ *Ṣaḥīḥ al-Bukhārī* (3171), *Ṣaḥīḥ Muslim* (336)

⁴²¹ *Al-Mughnī* (9/196)

[amount]. For if he is secure from them, then they are likewise secure from him.”⁴²²

- A covenant of *Amān* can assume the form of a written document, an oral agreement, or can be granted merely by indication. Likewise, what is customarily understood to be *Amān* among the people is also included within this ruling. Hence, the Prophet ﷺ said to al-Mughīrah bn. Shu'bah رَضِيَ اللَّهُ عَنْهُ:

أما الإسلام فقد قبلنا وأما المال فإنه مال غدر لا حاجة لنا فيه

“As for [your] Islām, we have accepted [it]. But as for the wealth, we have no need of it, as it was taken through *Ghadr* [treachery].”⁴²³

Prior to embracing Islām, al-Mughīrah رَضِيَ اللَّهُ عَنْهُ had accompanied some people on a journey, during which he killed them and thereafter stole their property. This was considered to be an act of *Ghadr*, as it is customarily understood that traveling companions are safe and secure from each other's harm.

The treacherous disbeliever

In relation to covenants of *Amān*, the disbelievers can be divided into three categories:

1. Those from whom *Khiyānah* [treachery] is feared
2. Those who do not respect any agreement made with the Muslims
3. Those who uphold their covenants

As for those who fall into the first category, the *Mujāhidīn* are ordered to inform them of their intention to sever the treaty that exists between them. This must be announced clearly to the enemy before the initiation of any hostile action against them, as Allāh ﷻ says:

⁴²² *Al-Umm* (4/284)

⁴²³ *Sunan Abī Dāwūd* (2765), authenticated by al-Albānī

﴿وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ
الْخَائِنِينَ﴾

***If you fear Khiyānah from any people, then throw back
[their covenant] to them [so as to be] on equal terms.
Certainly Allāh likes not the treacherous.***⁴²⁴

While commenting on this noble verse, Ibn Kathīr رَحِمَهُ اللَّهُ said that Allāh's statement, "***Certainly Allāh likes not the treacherous***", "even includes treachery against the disbelievers, as He does not like this either." The *Imām* went on to state that, "*Imām Aḥmad recorded that Sulaym bn. 'Āmir said, 'Mu'āwiyah was leading an army in Roman lands, at a time the bilateral peace treaty was valid. He wanted to go closer to their forces so that when the treaty of peace ended he could invade them. An old man riding on his animal said, Allāhu Akbar! Allāhu Akbar! Be honest and stay away from betrayal. The Messenger of Allāh said:*

ومن كان بينه وبين قوم عهد فلا يحلّنّ عقدة ولا يشدها حتى
ينقضي أمدها، أو ينبذ إليهم على سواء

*Whoever has a treaty of peace with a people, then he
should not untie any part of it or tie it harder until the
treaty reaches its appointed term. Or, he should declare
the treaty null and void so that they are both on equal
terms.*

When Mu'āwiyah was informed of the Prophet's statement, he retreated. They found that man to be 'Amr bn. 'Abasah رَحِمَهُ اللَّهُ عَنَّهُ.⁴²⁵ It is important to note here that the word *fear* in this verse does not refer to a baseless assumption that the enemy will break his covenant with the Muslims; rather it is a fear that is supported by sure knowledge or clear indications that the disbeliever intends to betray the believers. Secondly, Allāh's command to "***throw back [their covenant] to them [so as to be] on equal terms***", is not

⁴²⁴ *Sūrah al-Anfāl* (8):58

⁴²⁵ *Tafsīr Ibn Kathīr* (2/293)

binding upon the Muslims if the enemy has already broken his covenant and the believers have knowledge of such betrayal.

That is to say, the *Mujāhidīn* are not obliged to inform the enemy prior to any intended attack against them, should they possess sure knowledge that the disbelievers have violated their agreement. The Prophet's response to the *Mushrikīn*'s violation of the treaty of Ḥudaybiyyah, which paved the way for the conquest of Makkah, serves as an excellent example in this regard.⁴²⁶ In fact, once the news had reached the Messenger of Allāh ﷺ that the Quraysh had breached the conditions of the treaty, he ﷺ ordered the Muslims to assemble their forces in order to attack Makkah and then implored his Lord, saying

اللهم عمّ عليهم خبرنا

“O Allāh! Keep our news concealed from them.”⁴²⁷

The Messenger of Allāh ﷺ also despatched an eight-man military unit under the leadership of Qatādah bn. Rab'ī, which was to march towards a place called 'Idam, in order to divert the enemy's attention from his true objective so as to maintain the element of surprise.⁴²⁸ Moreover, it is permissible for the *Mujāhidīn* to carryout assassinations and other special operations against the enemy who breaks his covenant with the believers, without prior warning. Such was the manner in which the Messenger of Allāh ﷺ responded to the aggression unleashed against the Muslims by the evil Jew Ka'b bn. al-Ashraf لعنه الله.

Indeed, despite having a covenant of *Amān* with the Muslims, this enemy of Islām was assassinated without prior warning.⁴²⁹ The morning after his

⁴²⁶ Refer to *Al-Jāmi' li' Ahkāmīl-Qur'ān*, (8/392)

⁴²⁷ Refer to *Tafsīr Ibn Kathīr* in his commentary on *Sūrah al-Mumtahinah* (4/310)

⁴²⁸ Refer to Shaykh Saḥī ar-Raḥmān al-Mubārakpūrī's famous work entitled, *Ar-Rahīqul-Makhtūm* (p.342)

⁴²⁹ The killing of Ka'b bn. al-Ashraf, may Allāh's curse enshroud him, demonstrates that those who wage war against Allāh and His Messenger, insult the Prophet, transgress against the Muslims and incite the people to fight against them, are not protected by covenants of *Amān*. This is evident from two angles, the first of which is that he was included within the pact that existed between his tribe and the Muslims when he was assassinated. Secondly, Muḥammad bn. Maslamah and his companions were able to get close to him only after

killing, a group of Jews came to the Messenger of Allāh ﷺ expressing their grief and their surprise at the fact that he was killed, in spite of being included within the covenant. However, he ﷺ responded to them in the following manner:

إنه لو قر كما قر غيره ممن هو على مثل رأيه ما اغتيل، ولكنه
نال منا الأذى، وهجانا بالشعر، ولم يفعل هذا أحد منكم إلا
كان للسيف

*“Verily, if only he had calmed down like others from among those who shared his opinion had done, he would not have been assassinated. But he inflicted harm upon us and defamed us with poetry, and no one from among you commits this [crime] except that the sword is his lot.”*⁴³⁰

As for the second category, that is those who do not respect the agreements that they make with the believers, then it is not for the *Mujāhid* to enter into a covenant of *Amān* with them. They are those about whom Allāh ﷻ says:

﴿كَيْفَ وَإِنْ يَظْهَرُوا عَلَيْكُمْ لَا يَرْقُبُوا فِيكُمْ إِلَّا وَلَا ذِمَّةً
يُرْضَوْنَكَ بِأَفْوَاهِهِمْ وَتَأْبَىٰ قُلُوبُهُمْ وَأَكْثَرُهُمْ فَاسِقُونَ ﴿٨﴾
أَشْتَرُوا بِآيَاتِ اللَّهِ ثَمَنًا قَلِيلًا فَصَدُّوا عَنْ سَبِيلِهِ إِنَّهُمْ سَاءَ

making him feel secure from their harm. Indeed, it was on this alone basis that he granted them permission to enter his fort, as is apparent from his response when his wife [out of fear] said, “I hear a voice as if blood is dripping from it”. The enemy of Allāh replied, “It is only my brother Muḥammad bn. Maslamah and my foster brother Abū Nā’ilah, a noble man should repond to a call at night even if invited to be killed”. [*Ṣaḥīḥ al-Bukhārī* (4037)] Thus Ka’b was eventually killed at the hands of Muḥammad bn. Maslamah and his companions رضي الله عنهم. Some of the contemporary scholars of *Jihād* use this incident, among others, to support the argument that visas do not automatically constitute *Amān*. For more discussion regarding this, refer to *Fiqh of Jihād: Understanding the Obligation*

⁴³⁰ Mukhtaṣar Aṣ-Ṣārimul-Muṣlūl ‘alā Shātimir-Rasūl (p.54)

مَا كَانُوا يَعْمَلُونَ ﴿٩﴾ لَا يَرْقُبُونَ فِي مُؤْمِنٍ إِلَّا وَلَا ذِمَّةً وَأُولَٰئِكَ
هُمُ الْمُعْتَدُونَ ﴿١٠﴾

*How [can there be a covenant with them], when if they overpower you, they regard neither the ties of kinship nor of covenant? They [seek to] please you with their mouths while their hearts are averse [to you], and most of them are rebellious. They have purchased with the verses of Allāh a small gain, and they hindered [people] from His path; evil indeed is that which they used to do. With regard to a believer, they regard neither the ties of kinship nor of covenant! It is they who are the transgressors.*⁴³¹

Imām al-Qurṭubī رَحِمَهُ اللَّهُ says, “His statement, ‘*They [seek to] please you with their mouths*’, means they say with their tongues the apparent of which pleases [you]. ‘*While their hearts are averse [to you], and most of them are rebellious*’, means they violate the covenant. While every disbeliever is rebellious, the intent here is those who openly commit outrages and nullify [their] covenants.”⁴³² The Assad regime and its allies are a contemporary example of this type of criminal, as is clear to any observer of the events that have taken place during the Syrian Jihād.

Under the umbrella of *treaties* and *ceasefires* the Syrian regime, aided by Russian airstrikes and supported by Iranian ground forces, has managed to regain most of the territory that was once under the control of the *Mujāhidīn* and the rebel forces. Indeed, what has become apparent since the first nationwide ceasefire agreement in February 2016 up until the Sochi agreement of September 2018, is that the enemy has re-defined the meaning of peace treaties. After acknowledging its inability to fight on multiple fronts, the regime resorted to declaring ceasefires in specific areas to the exclusion of others, then violating such agreements once it had achieved its objectives in the areas that were not included within these treaties. This was despite the fact that those who entered into such agreements with the enemy

⁴³¹ *Sūrah at-Tawbah* (9):8-10

⁴³² *Al-Jāmi’ li’ Ahkām al-Qur’ān* (8/430)

upheld their obligations under the agreed upon conditions. Such mode of conduct was noted by Dr. Lina Khatib⁴³³, who observed that:

“The Syrian regime today has used the ceasefire as an opportunity to advance around Damascus, just as it had used the ceasefire in February 2016 to consolidate its campaign in Aleppo. The regime has taken advantage of the halt in Free Syrian Army activity to conduct troop movements and plan for sieges and attacks. If Aleppo is to be taken as a guide, it is likely that the current ceasefire is meant to pave the way for the regime to retake further territory from rebel groups.”

Taqwā: the key to victory

In conclusion Dr. Lina stated that, “ceasefires have become another tool through which the regime and Russia appear to be seeking to end the Syrian conflict through military, not political, means”.⁴³⁴ Unquestionably, the *Mujāhidīn* should not enter into any agreement of peace with such treacherous foes, for they are those about whom Allāh ﷻ says:

﴿فَقَتِلُوا أَيْمَةَ الْكُفْرِ إِنَّهُمْ لَا أَيْمَنَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ﴾

Then fight against the leaders of Kufr, for surely, their oaths are nothing to them, so that they may cease [their evil actions].⁴³⁵

The final category consists of those from among the disbelievers who honour their agreements with the believers. So long as the conditions of the covenants contracted with such parties do not violate any principle of the *Sharī'ah*, and they remain faithful to their obligations under such

⁴³³ [Dr. Lina Khatib](#) is head of the Middle East and North Africa Programme at Chatham House, her areas of expertise include: International relations in the Middle East, Islamist groups and security, and foreign policy.

⁴³⁴ Dr. Linda Khatib, *How Ceasefires in Syria Have Become Another Tool of Warfare*, 5 January, 2017

⁴³⁵ *Sūrah at-Tawbah* (9):12

agreements, then the Muslims must fulfil their duties accordingly, as a deliberate failure to do so will constitute an act of *Khiyānah* on their part. Hence, Allāh ﷻ says:

﴿فَمَا اسْتَقَمُوا لَكُمْ فَاسْتَغِيْمُوا لَهُمْ اِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ﴾⁴³⁶

So long as they are true to you, stand you true to them.

Indeed, Allāh loves those who have Taqwā.⁴³⁶

Consider Allāh's statement, "***Indeed, Allāh loves those who have Taqwā***". This indicates that being faithful to the obligations stipulated in one's covenants is a manifestation of *Taqwā*, which is a characteristic of those whom Allāh ﷻ loves. Moreover, *Taqwā* is an indispensable provision for the *Mujāhid*, as Allāh ﷻ has made victory over the enemies of *Tawhīd* a direct result thereof. That is to say, a successful *Jihād* is contingent upon the Muslim soldiers being of those who fear Allāh ﷻ, adhere to His commands, and who abstain from that which He has prohibited. Hence, He ﷻ says:

﴿وَإِنْ تَصْبِرُوا وَتَتَّقُوا لَا يَضُرُّكُمْ كَيْدُهُمْ شَيْئًا اِنَّ اللَّهَ بِمَا يَعْمَلُونَ مُحِيطٌ﴾⁴³⁷

But if you remain patient and have Taqwā, not the least harm will their plotting do to you. Surely, Allāh surrounds all that they do.⁴³⁷

Allāh ﷻ also says:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ وَلِيَجِدُوا فِيكُمْ غِلْظَةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾⁴³⁸

O you who believe! Fight those from among the disbelievers who are close to you, and let them find

⁴³⁶ *Sūrah at-Tawbah* (9):8

⁴³⁷ *Sūrah Āli 'Imrān* (3):120

harshness in you; and know that Allāh is with those who have Taqwā. ⁴³⁸

Indeed, history testifies to the fact that *Taqwā* is the means through which the believers overcome their enemies, irrespective of the military or economic superiority of the latter. It is for this reason that Prophet Mūsā عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ said to Banī Isrā'īl:

﴿أَسْتَعِينُوا بِاللَّهِ وَاصْبِرُوا إِنَّ الْأَرْضَ لِلَّهِ يُورِثُهَا مَنْ يَشَاءُ مِنْ عِبَادِهِ وَالْعَاقِبَةُ لِلْمُتَّقِينَ﴾ ^(١٢٨)

Seek help in Allāh and be patient. Indeed, the earth belongs to Allāh. He gives it as a heritage to whom He wills of His servants; and the [blessed] end is for the Muttaqīn. ⁴³⁹

The *Mujāhid*'s primary concern therefore is to ensure that his *Jihād* in defence of the *Maqāṣidush-Sharī'ah* is built upon a solid foundation of *Taqwā*. This entails honouring and fulfilling the greatest covenant after the covenant of *Tawhīd*: the pledge that Allāh ﷻ has taken from the believers to wage *Jihād* only for His Sake. Allāh ﷻ outlines the details of this agreement in His Book, stating:

﴿إِنَّ اللَّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةَ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ وَيُقْتَلُونَ وَعَدًا عَلَيْهِ حَقًّا فِي التَّوْرَةِ وَالْإِنْجِيلِ وَالْقُرْآنِ وَمَنْ أَوْفَى بِعَهْدِهِ مِنَ اللَّهِ فَاسْتَبْشِرُوا بِبَيْعِكُمُ الَّذِي بَايَعْتُمْ بِهِ وَذَلِكَ هُوَ الْفَوْزُ الْعَظِيمُ﴾ ^(١١١)

Indeed, Allāh has purchased from the believers their lives and their wealth so that [in return] Jannah will be for

⁴³⁸ Sūrah at-Tawbah (9):123

⁴³⁹ Sūrah al-A'rāf (7):128

them. They fight in Allāh's cause, thus they kill and are killed. It is a promise in truth which is binding upon Him in the Tawrah, the Injīl, and the Qur'ān. And who is truer to his covenant than Allāh? Then rejoice in the bargain which you have concluded; that is the supreme success.⁴⁴⁰

Thus in fulfilment of this noble covenant, the *Mujāhid* strives to observe *Taqwā* in regards to the Rights of Allāh ﷻ, as well as the rights of His slaves. He makes *Taqwā* the influencing factor that causes him to perform his duties to the best of his ability, to select the most suitable person for each task, to adhere to the principles of *al-Walā' wa'l-Barā'*, and to carefully prioritise the *Maṣāliḥ* of the *Jihād*. Indeed, nothing causes the true *Mujāhid* to avoid the *Shubuhāt* but his *Taqwā* of Allāh ﷻ, a quality that also helps him to maintain the balance between *Tafrīṭ* and *Ifrāṭ*. Not only does *Taqwā* guide his interactions with the Muslim population, but it also serves as the driving force behind his attempts to maintain unity within the ranks of the *Ummah*.

In addition, from among the clear indications of the *Mujāhid's* *Taqwā* of his Lord is that he is true to his promises and honours his treaties, for the successful believer has been described as being of ***“Those who are faithfully true to their Amānāt and to their covenants”***.⁴⁴¹ The Muslim who wages *Jihād* according to such principles can hope to attain the supreme success:

﴿وَمَنْ أَوْفَىٰ بِعَهْدِهِۦ مِنَّا ۚ فَاسْتَبْشِرُوا بِبَيْعِكُمُ الَّذِي
بَايَعْتُمْ بِهِ ۚ وَذَٰلِكَ هُوَ الْفَوْزُ الْعَظِيمُ﴾

And who is truer to his covenant than Allāh? Then rejoice in the bargain which you have concluded; that is the supreme success.⁴⁴²

As for those who are treacherous in regards to their covenants and agreements, then they only demonstrate a lack or total absence of *Taqwā*.

⁴⁴⁰ *Sūrah at-Tawbah* (9):111

⁴⁴¹ *Sūrah al-Mu'minūn* (23):8

⁴⁴² *Sūrah at-Tawbah* (9):111

Besides the temporary worldly enjoyments such individuals or groups may gain, they should not expect to achieve success, as “*Allāh likes not the treacherous*”,⁴⁴³ and the Messenger of Allāh ﷺ said:

لكل غادر لواء يوم القيامة يرفع له بقدر غدره، ألا ولا غادر
أعظم غدرًا من أمير عامة

*“On the Day of Judgement a flag will be raised for every betrayer, in proportion to the extent of his betrayal; and there is no betrayal that is greater than [the treachery committed by] the leader of the people.”*⁴⁴⁴

And our final supplication is all praise belongs to Allāh alone, and may His salutations be upon our noble Prophet Muḥammad, his family, and companions, until the Day of Judgment.

30 Jamādil-Ūlā, 1440H

[Corresponding to 5 February, 2019CE]

⁴⁴³ *Sūrah al-Anfāl* (8):58

⁴⁴⁴ *Ṣaḥīḥ Muslim* (1738)

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